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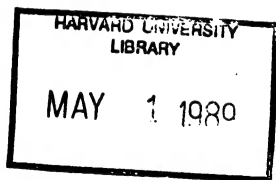
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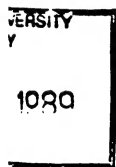
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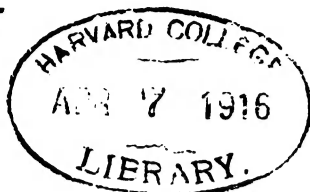
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A U S T R A L A S I A

AND

EMIGRATION.

THE PRESENT STATE OF THE COLONIES OF NEW SOUTH
WALES, WESTERN AUSTRALIA, SOUTH AUSTRALIA,—
VICTORIA, AND NEW ZEALAND.

PRISON DISCIPLINE,

AND

SUGGESTIONS FOR OBVIATING THE DIFFICULTIES ATTENDING
THE TRANSPORTATION OF CONVICTS;

WITH

A DESCRIPTION OF THE PENAL SETTLEMENT

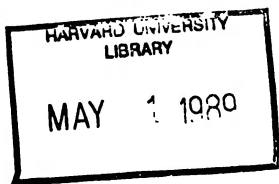
OF

VAN DIEMEN'S LAND.

LAND REGULATIONS AND ABORIGINES:

WITH

APPENDIX.



TO THE RIGHT HONOURABLE
EARL GREY,
HER MAJESTY'S SECRETARY OF STATE FOR THE COLONIES,
THIS WORK ON
AUSTRALASIA
AND
PRISON DISCIPLINE,
IS RESPECTFULLY AND GRATEFULLY DEDICATED BY
HIS LORDSHIP'S
MOST OBEDIENT AND HUMBLE
SERVANT,
HENRY MELVILLE.

PREFACE.

THESE pages contain a descriptive account of the present state of the Australasian Colonies. Persons who may be desirous of settling in these Antipodian countries, will find the chapter on "Emigration," well worth their perusal ; and the "Land Regulations" will afford them every information that can be obtained, respecting the manner in which that description of property may be acquired.

A residence of more than twenty years in the different settlements, has enabled the writer to become well versed in all subjects relating to them. Not only has he dwelt in most of the colonies he has described, but, throughout the greater portion of the time, he has been connected with the public press, and has, consequently, procured much authentic information that could not be collected by persons differently situated. This is not his first appearance before the British public, having, subsequently to the year 1830, forwarded from Van Diemen's Land to England, several works for publication, all of which were most favourably spoken of by the reviewers,—and, what was still more gratifying, were well received by the public.

Having had many convicts assigned to his service during the whole of his long residence in Van Diemen's Land, the author had means of judging what plan could be most advantageously adopted to ensure the enforcement of prison discipline. The suggestions he has offered "to obviate the difficulties attending the transportation of convicts," he recommends with the utmost confidence, certain that, if the system proposed be effectively carried out, it must save a very considerable annual expenditure of British funds, whilst, at the same time, it would be beneficial to the free colonists of Van Diemen's Land; and, as regards convictism, it would render transportation an example to the multitude, and afford a certain prospect of reformation to the offenders.

London, 31st December, 1850.

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CHAPTER I.

ORIGIN OF BANISHMENT—TRANSPORT TRAFFIC—SLAVERY—AFRICAN
PENAL STATIONS FOUND TO BE ILL ADAPTED—PROPOSED SETTLE-
MENT ON THE EASTERN COAST OF NEW HOLLAND—DEPARTURE
OF THE FIRST FLEET—ARRIVAL AT BOTANY BAY—REMOVAL TO
SYDNEY COVE—THE NATIVES—FIRST PUNISHMENT OF CONVICTS
—CULTIVATION AT FARM COVE AND ROSE HILL—NORFOLK
ISLAND TAKEN POSSESSION OF—SCARCITY OF FOOD AT THE
STATIONS—WRECK OF THE FRIGATE SIRIUS—ARRIVAL OF THE
SECOND FLEET.

NEW HOLLAND was in former times so intimately connected with the prison discipline of Great Britain, that it will be desirable, before commencing with the description of its present state, to offer some few observations relative to the penal origin of the first settlement.

In ancient days all persons found guilty of offending the laws, were either put to death or corporeally punished, or banished the County wherein the crime had been perpetrated. As civilisation progressed, so did society become more united, and then the infliction of banishment became of little or no avail, because an offender was no sooner chased from one place than he commenced depredations in the adjoining neighbourhood. Necessity, therefore, compelled the adoption of some more effective means of ridding the community of those who would not abide by the laws passed for the general welfare.

It was during the reign of Queen Elizabeth that expa-

triation or self-banishment was first enforced as a punishment for "rogues and vagrants*;" but where the rogues and vagrants went to we are not informed, for there is not any place mentioned in the enactment. In the time of James (1619), the transportation of criminals to America is said to have commenced, the destination of that class of people was not, however, expressly defined until 1679†. Virginia being greatly in want of labourers to clear the native forest, and prepare the land for the plantations, the settlers willingly received all those that were banished or expatriated from the mother country. The expenses incurred in the migration of the offenders were paid by the criminals themselves, and it was not till 1718 that the transport traffic was regulated by Act of Parliament. The preamble of 4 Geo. I. ch. ii. sets forth, "Whereas, &c. "owing to the failure of those who undertook to transport themselves, and the great want of servants in His Majesty's plantations, &c., Be it Enacted, &c." and it was Enacted, that transportation thereafter should become a government monopoly, and that instead of the offenders arranging matters respecting their own migration that the Government would for the future insist upon defraying all the expenses. The rogues sentenced to transportation, therefore, became crown prisoners in the time of George the First, and great numbers of them were subsequently shipped for the American plantations. During the voyage the prisoners were under the custody of contractors who were also superintendents; and so that life could be preserved, those in charge cared little else respecting the welfare of the cargo. On arrival, the authorities in the

* 39 Elizabeth, chap. iv. See Blackstone's Com. chap. iv. 31.

† 18 Car. II. chap. ii.

colonies gave receipts that so many transports had been landed, and the contractors on their return to England received payment at the rate of so much per head for all that had been delivered alive. When the prisoners reached the plantations, their terms of sentences expired—they had been transported beyond the sea, so that on landing each did the best he could for his own interests—the higher orders became planters and traders, whilst the poor engaged themselves as servants to the wealthy. Whether transportation alone would be sufficient now-a-days to prevent crime in Great Britain, is a subject it is not requisite here to discuss; but expatriation and coercion are two distinct punishments. The sentences of our courts are merely transportation beyond the seas, not one word is said respecting subsequent imprisonment and hard labour. Prisoners are frequently ordered for confinement in the House of Correction; but if the severity of the punishment is to be increased, then ‘hard labour’ is tacked to the sentence;—so therefore by the same rule prisoners hitherto transported to New South Wales and Van Diemen’s Land, ought to have been ordered by the judges to be transported beyond the seas—and ‘thereafter to be worked and punished as directed by the authorities in the colonies.’

To return to the American plantations,—labourers being difficult to obtain, in process of time the government contractors took upon themselves to apportion or assign the transports to the various applicants, and when once in their service, the masters were careful enough that they should not leave their employment. Labour increasing in value, presents were at first made to the superintendents for permission to select such men as might be most desirable, and from presents money was given, till at length, the prisoners on arrival were actually sold to the highest bidders; then,

in every sense did the transports become slaves and objects of barter and trade. This traffic was, as may well be supposed, very profitable to the contractors, to their agents, and, in fact, to all parties concerned therein ; because, not only was there the amount paid by the Government to the contractors for the transportation, which no doubt was, in those times very considerable, but there was, in addition, the full proceeds of the sale of the white or English slaves. The transportation system described, with very trifling alterations, continued till the separation of the thirteen American colonies, in 1776. To send prisoners to the American plantations was then no longer practicable, and the English Government formed penal stations on the western coast of Africa ; the place and climate were however ill suited for the purpose, a more unhealthy situation cannot be found, and it has deservedly obtained the name of the " European Grave." The mortality among the convicts, or rather the supposed mortality, caused considerable excitement in the public mind, and a sentence of transportation was deemed to be tantamount to the infliction of death.

There are many in England who occupy a great portion of their time in seeking to obtain the emancipation of the negroes, these persons little imagine that their own ancestors, in promoting the transportation of convicts, were, in fact, the originators of the present African slave trade. Such, nevertheless, is the truth ; when the Americans declared themselves independent, the usual amount of disposable labour was suddenly checked, and yet the demand was on the increase. In order to supply the place of the prisoners, the planters in the first instance had recourse to black servants, but these were not to be obtained in any sufficient numbers, so that ultimately, negroes were piratically seized, and forced to become slaves to the planters.

When convicts were landed on the African shores, it was customary for the captains of the vessels to purchase or to capture supplies of blacks, and not unfrequently, British prisoners were, willing or unwilling, passengers with these negroes that were run across from Africa to the plantations. No wonder, therefore, that the official returns from the penal stations gave such lamentable accounts of deaths or desertions among the prisoner population.

The African settlements turning out any thing but well adapted for penal discipline, the British Government attempted various local plans for the coercion of convicted offenders, but without success, and it therefore became absolutely necessary that some other part of the world should be selected whereto the convicts might be transported. "Penitentiary houses seem in speculation to afford the fairest opportunity of punishment and reformation, and a plan of this kind, formed by the united efforts of Judge Blackstone, Mr. Eden, and Mr. Howard, was adopted by Parliament. Difficulties, however, occurred which prevented the execution of this design; a circumstance to be regretted when it shall be considered that it is, perhaps, the fate of this theory, in common with many others of a very pleasing nature, to be more attractive in contemplation than efficacious in real practice. A perfect design, carried on by imperfect agents, is liable to lose the chief of its excellence; and the best digested plan of confinement must, in execution, be committed, chiefly, to men not much enlightened, very little armed against corruption, and continually exposed to the danger of it."—"In some countries, malefactors not capitally convicted, are sentenced to the galleys or the mines; punishments often more cruel than death, but this system in England was, on many

“ accounts, impracticable. In other places they were, and
“ still are, employed in public works, under the care of
“ overseers. This method was partially tried in England,
“ on the Thames, but it was found, by no means, to pro-
“ duce the benefit expected from it. There was, there-
“ fore, little temptation to pursue it to a further extent.
“ The employment of criminals in works carried on under
“ the public eye, is, perhaps, too repugnant to the feelings
“ of Englishmen ever to be tolerated. Reason, indeed,
“ acquiesces in the melancholy necessity of punishment,
“ but chains and badges of servitude are unpleasing
“ objects, and compassion will always revolt at the sight
“ of actual infliction. Convicts, so employed, would
“ either, by an ill-placed charity, be rewarded, or the
“ people, undergoing a change of character far from
“ desirable, would in time grow callous to those impres-
“ sions which naturally compel them to give relief*.”

In December 1786, Orders in Council were issued, and an Act of Parliament passed in the following year for the purpose of founding a colony on the eastern coast of New Holland, wherein was to be a Court of Judicature and other necessary establishments for a settlement, such as was then in contemplation by the British Government. The precise position was not determined upon, but left to the selection of Arthur Phillip, a Post-Captain in His Majesty's Navy, and generally known in the colonies as Governor Phillip. The orders he received were to proceed to the eastern coast of New Holland and take possession of a Bay Captain Cook had discovered, and had spoken favourably of some few years previously, and which, by him, had been named Botany Bay, in consequence of the number of botanical specimens that were there obtained.

* The Voyage of Governor Phillip to Botany Bay, p. 6.

On the 16th of March, 1787, the squadron that was to transport the first inhabitants to this new world, began to assemble at the Motherbank. Three were two vessels of war, the *Sirius* frigate, and the armed tender the *Supply*, with three store ships and six transports. So novel an expedition excited considerable interest, and was calculated to be, ultimately, of great importance. Two months were expended in making the necessary preparations, and on the 13th of May the anchors were weighed and the fleet put to sea. The parting scene was truly exciting; the shore was crowded, and the water covered with boats. In those times, to attempt such a distant voyage was no mean enterprise; and when it is borne in mind that very many of those human beings were supposed to be leaving their country for ever, it is no wonder that such numbers felt interested on the occasion. Not only were the friends of the marines and seamen there, taking, perhaps, a final farewell, but the convicts also had their acquaintances, for a man must indeed be in an abject state, if he cannot find some one to pity him, even when suffering under a just punishment. Of all the human beings, both free and bond, then prepared to leave their country, how very few ever returned to their native shores. "The whole complement of marines, including officers, amounted to two hundred and twelve; besides which, twenty-eight women, wives of marines, carrying with them seventeen children, were permitted to accompany their husbands. The number of convicts was seven hundred and seventy-eight, of whom, five hundred and fifty-eight were men. Two, however, received a full pardon before the departure of the fleet, and, consequently, remained in England*." The

* Vide Governor Phillip's Voyage to Botany Bay. The author has committed some trifling errors in stating the details. There were,

Botany Bay squadron, or, as the colonists term it, the "*first fleet*," touched for stock and supplies at the Canaries, Rio de Janeiro, and the Cape of Good Hope.

On the 19th January, 1788, a part of the convoy arrived at Botany Bay, and a few days after the remainder of the fleet came to anchor at the same place. The convicts, considering the length of the voyage, landed in excellent health, and the stores which were intended to supply the settlement for two years, were in good condition.

Botany Bay was soon discovered to be anything but an eligible position for the formation of a colony; the land in the immediate neighbourhood, although represented by Sir Joseph Banks as "a series of beautiful meadows abounding in the richest pastures," turned out to be low and swampy, Cook's River, at the bottom of the Bay, overflowing large tracts of country; the situation was also thought to be unhealthy. The Bay itself was found to be open to the full sweep of the easterly winds, which at times cause tremendous surfs along the shores; besides, the water is in general shallow, and vessels of even moderate draught are

according to his showing, one thousand and thirty-three souls, including marines, their wives and children, and convicts; but he gives the following returns:—

	Officers and Marines.	Male Convicts.	Female.	Total.
Friendship	45	77	20	..
Charlotte	44	88	20	..
Alexander	37	213	..	..
Scarborough	34	208	..	..
Prince of Wales	32	..	100	..
Lady Penrhyn	6	..	102	..
On board the Sirius				..
as superintendents	10	..	..	..
	208	580	242	— 1036

obliged to anchor exposed to the heavy sea. Under all these unfavourable circumstances, it was deemed advisable to seek some more advantageous position. Captain Phillip, therefore, with three boats' crews, and accompanied by Captain Hunter, of His Majesty's frigate *Sirius*, proceeded to examine Broken Bay, which place had likewise been visited by Captain Cook. It is situated some miles to the northward. In Cook's chart of the coast, there is a boat harbour or inlet laid down between Botany and Broken Bay. It was named Jackson, in consequence of its having been seen by a sailor of that name from the mast-head of the vessel when passing. The appearance of the entrance being unfavourable, Captain Cook, it seems did not attempt an entry.

On the 22nd January the exploring party left Botany, and commenced the voyage of discovery. Fortunately, the boats entered this supposed-to-be little inlet, which has since become so celebrated as Port Jackson. "Here all regret arising from former disappointments was at once obliterated; and Captain Phillip had the satisfaction to find one of the finest harbours in the world, in which a thousand sail of the line might ride in perfect security*." The different coves and inlets were immediately examined, and a preference was given to one that possessed a spring of water, and in which ships could anchor close to the shore; it is about half a mile in length and a quarter of a mile across at the entrance; in honour of Lord Sydney, it was called Sydney Cove, and it gives its name to the capital of New South Wales. On the 24th January, the port having been sufficiently explored, the party returned to Botany. Those employed in preparing a landing at Point Sutherland having made an unfavourable report as to the

* Governor Phillip's Voyage, p. 30.

capabilities of the soil in the neighbourhood of the Point, and also of the upper part of the Bay which had been more particularly examined, it remained impossible for Captain Phillip to hesitate concerning the choice of the situation, and orders were accordingly issued for the removal of the whole fleet to Port Jackson. Therefore on the 25th of January, seven days after their arrival, the fleet prepared to leave, and on that and the following day Botany Bay was evacuated, and the whole of the vessels were safely anchored in Sydney Cove. No sooner had the landing taken place than the work of clearing commenced, and the buildings were begun ; but the difficulties were greater than were at first anticipated. “ The coast, as well as the
“ neighbouring country in general, is covered with wood ;
“ and though on this spot the trees stood more apart, and
“ were less encumbered with underwood than in many
“ other places, yet their magnitude was such as to render
“ not only the felling, but the removal of them afterwards,
“ a task of no small difficulty. By the habitual indolence
“ of the convicts, and the want of proper overseers to keep
“ them to their duty, their labour was rendered less
“ efficient than it might have been. In the evening of
“ the 26th the colours were displayed on shore, and the
“ Governor, with several of his principal officers and
“ others, assembled round the flag-staff, on which the
“ Royal ensign was hoisted, drank the King’s health and
“ success to the settlement, with all that display of form
“ which on such occasions is esteemed propitious, because
“ it enlivens the spirits, and fills the imagination with
“ pleasing presages*.” The plan of the encampment was

* Governor Phillip’s Voyage, p. 37. The little work already cited, from which most of the authors who have written on the early settlements have extracted their information, without acknowledging from whence obtained ; it is 8vo. and printed in Dublin.


soon formed, and the works proceeded with order and regularity. A dwelling for the Governor had been brought out, and the framework and materials were soon put together; the hospital tents were erected without delay, and "for which there was soon too much occasion. From the Cape the convicts had enjoyed remarkably good health, but soon after landing a fearful dysentery prevailed, and the scurvy began to rage with a virulence that kept the hospitals supplied with inmates."

On first landing at Botany Bay, an interview with a considerable tribe of natives took place; they all had spears and waddies, but Captain Phillip approaching with signs of friendship, alone and unarmed, they readily returned his confidence, and laid down their weapons; they were perfectly devoid of clothing, and very fond of ornamenting their hair and their necks with anything that was given to them for that purpose. Captain Phillip with most laudable zeal did his utmost to conciliate the Aborigines, but the materials of which the greater portion of the new population was composed, rendered the task exceedingly difficult, for outrages of most wanton character were frequently perpetrated. On one occasion, when Captain Phillip advanced unarmed towards a large tribe at some distance from the settlement, he received a spear in his back: it was afterwards ascertained that the tribe had not previously seen a white man, and that the weapon was thrown because it was imagined that hostilities were intended.

At the new encampment, there were, as might naturally be expected, only two classes of society, the governors and the governed, or the officials, including the marines, and the convict population; all alike received rations from the Commissariat, and, in addition, were supplied with seed and necessary implements for the cultivation of the land; the

convicts during a portion of the day were employed on the public works, and the rest of their time was occupied in clearing and cultivating plots of ground which were marked off for them. Every prisoner had a right to locate one allotment, and, by means of industry and good conduct, he was soon enabled to obtain an additional quantity. The land, was then, of course valueless—now, when people traverse the thronged streets of Sydney, they seldom think that little more than sixty years back, all was wilderness, and that blocks of ground now worth very many thousands of pounds, might then have been obtained for the mere asking.

The distance of the new settlement from any part of the civilised world precluded the possibility of the escape of the convicts. Some, however, left the settlement under the idea that they could reach China, which place they considered to be at no very great distance: many of them returned to the Cove after suffering severe hardships in the bush, others were never heard of afterwards. The duty of the marines consisted in parade, and in protecting the public stores; this latter was no easy task, for either from sheer devilry or a desire to keep their hands in to the mastery of their profession, it was no uncommon event on a morning to find that, during the night, the stores had been plundered in spite of the vigilance of the guard. These robberies were effected without the least possible advantage to the perpetrators, for the very fact of using or even showing the stolen property was certain to cause detection and entail punishment. These depredations became so frequent, that, at the end of February, Captain Phillip was compelled to convene the Criminal Court, and six convicts received sentence of death; one only was executed, another pardoned, and the remaining four were exiled on a



little rock situate about a mile from the Cove, and there, until the King's birth-day, were these men *pinched* on bread and water, and from this circumstance the rock received its name, and is likely for some time to be known as "Pinch Gut." "The man who suffered, and two others had been detected in stealing from the stores the very day that they had received a week's provisions; at a time when their allowance, as settled by the Navy Board, was the same as that of the soldiers, spirituous liquors excepted. So inveterate were their habits of dishonesty, that even the apparent want of a motive could not repress them*."

The colonists of New South Wales keep as a festival the 26th of January, the date Botany was evacuated, and the flag of Great Britain erected at the Cove; but the little work so often referred to says, "The 7th of February, 1788, was the memorable day which established a regular form of Government on the coast of New South Wales. For obvious reasons, all possible solemnity was given to the proceedings necessary on the occasion. On a space previously cleared, the whole colony was assembled, the military drawn out, and under arms; the convicts stationed apart; and near the Governor, those who were to hold the principal offices under him. The Royal Commission was read by the Judge-Advocate, D. Collins. By this instrument, Arthur Phillip was appointed Captain-General and Governor-in-Chief of New South Wales, extending from the northern cape or extremity of the coast called Cape York, in the latitude 10° 37' south, to the southern extremity of the said territory of New South Wales or cape, in the latitude of 43° 39' south, and of all the country inland to the westward as far as the 135° east

* Governor Phillip's Voyage, p. 45.

“ longitude, reckoning from Greenwich, including all the “ islands in the Pacific Ocean, within the latitude and “ longitude described.” On referring to the map it will be seen that the charter included about one half of New Holland and the whole of the Island of Van Diemen's Land, for not till some years afterwards was the latter discovered to be insular.

The first ground cultivated was at Farm Cove, now the Government gardens, and soon afterwards Rose Hill was selected as an agricultural station. Rose Hill is, according to the aboriginal nomenclature, Paramatta, and it has in latter times been so designated. It was at this place the first grants of land were given by the Governor, three comprising two hundred and sixty acres and one of thirty; the first three were to free persons, the latter to an emancipated convict, the former on the north and the latter on the south of the Paramatta river. Those grants bear date 30th March, 1791 :—a few days afterwards forty marines received locations or grants of sixty acres each, at Norfolk Island. This island is situate in latitude 29° south, and longitude $168^{\circ} 10'$ east—it had been visited by Captain Cook, and received from him its name in honour of the noble family to whom that title belongs. It is about twenty miles in circumference, and is difficult of access, the cliffs being mostly perpendicular, and a heavy ground swell setting in causes a terrific surf to break against the rocks. There is only one place at which a landing can be effected, and frequently it is dangerous to attempt it even there. The island is of volcanic formation, the soil to the summit of the highest hills is of the richest alluvial—every little valley has its stream of pure water, and it has deservedly been named the ‘Gem’ of the Pacific Ocean. Highly as most of the islands of these seas are spoken of

by those who have visited them, still when compared with Norfolk Island they fall very considerably in the estimation of the traveller. For climate, for productions, and, indeed, for almost every description of Nature's bounties Norfolk Island stands unequalled—and yet this lovely place is merely the depôt of the doubly and trebly convicted felons of Great Britain.

On the 14th February a party, having with them six months' provision, was sent to take possession of Norfolk Island. The command was given to Philip Gidley King, and he had under him some marines, besides nine male and six female convicts, in all twenty-seven in number. King was at this time a Lieutenant of the *Sirius*: in 1791 he was appointed Lieutenant-Governor of Norfolk Island, and in 1800 he became Governor-in-chief of New South Wales. Norfolk Island was established as a place of secondary punishment, and in the first instance it was contemplated to cultivate extensively the New Zealand flax. According to instructions, the commandant was not to permit intercourse or trade with any ships that might stop at the island, whether English or otherwise, unless in distress, in which case he was to afford every assistance in his power. On arrival of the convicts that were afterwards sent there, the men were subject to a discipline somewhat similar, but more severe than were those under punishment at Sydney. The prisoners were chiefly employed in clearing and cultivating, and the third season after taking possession, one thousand bushels of wheat and five hundred of maize, of excellent quality, were stored for the use of the parent settlement.

To every emancipated convict who chose to remain in the colony Governor Phillip granted thirty acres of land of the man's own selection; if he were married fifty were

given, and ten additional acres for every child ; and here it may be as well to observe that immediately on arrival the Governor encouraged the marriage state among the convicts, and that shortly after the landing there was not an unmarried female in the whole settlement. These emancipists were further stimulated to remain by having twelve or eighteen months' rations for themselves and families provided from the stores ; implements of agriculture were also lent or given to them, and the Governor, from his own private stock, presented each married couple with two young breeding pigs. This gift, though of apparent unimportance now, was then indeed a dower of considerable value.

It had been arranged with the Home Government that the colony should always have in the stores a twelve months' supply of provisions ; but shortly after the settlement had been formed, the loss of His Majesty's store-ship, *Guardian*, on which the colonists depended, was a severe calamity ; and, to add to their difficulties, the population was rapidly increasing in number by the arrival of other convicts from England. The *Guardian* struck on an iceberg, and received so much injury that she almost immediately filled, and was only kept afloat by throwing overboard her deck freight and part of the stores. Some of the crew left the ship, but nearly all those who did so were lost. The Captain, Riou, who so gallantly met his death at Copenhagen, and whose monument may be seen in St. Paul's cathedral, with the residue of the crew, remained on board the vessel, which, having lost her rudder, was at the mercy of the waves*. In this state the *Guardian* was

* The inscription, after setting forth that Captain Riou fell in the attack upon Copenhagen, conducted by Lord Nelson, 2nd April, 1801, thus continues :—

driven about until a French frigate fell in with her, and towed her into Table Bay, at the Cape of Good Hope, where, soon after landing the remaining portion of the stores, she was cast ashore, and went to pieces in a heavy gale. The Sirius frigate had been despatched to the Cape for supplies, but these were consumed; and, in February 1790, there were not four months' provisions in the colony, even at half allowance. Under these circumstances, Governor Phillip considered it advisable to divide the population, and send a portion to Norfolk Island, where he understood there were resources of some kind. Two companies of marines and two hundred convicts, with a proper-

To EDWARD RIOU,
who was born in 1762,
an extraordinary occasion was presented
in the early part of his service
to signalise his intrepidity
and presence of mind,
which were combined with the most anxious
solicitude for the lives of those under his command,
and a magnanimous disregard of his own.
When his ship, the *Guardian*, struck upon
an island of ice, in Dec. 1789, and afforded no prospect
but that of immediate destruction to those on board,
Lieut. Riou encouraged all who desired to take their chance
of preserving themselves in the boats, to consult their safety;
but judging it contrary to his own duty
to desert the vessel,
he neither gave himself up to despair,
nor relaxed his exertions;
whereby, after ten weeks of the most perilous navigation,
he succeeded in bringing his disabled ship into port,
receiving this high reward
of fortitude and perseverance
from the Divine Providence
on whose protection he relied.

tionate quantity of provisions, were shipped on board the *Sirius* and *Supply*, and arrived safely at the island on the 13th of March: the men were landed on the 15th, but no sooner was this effected, than the wind sprung up and drove the vessels to sea before any of the provisions could be brought ashore. The *Sirius* and the *Supply* made the land again on the 19th, when, bringing the frigate into a proper position to land her cargo, she unfortunately struck on a coral reef, and was totally wrecked in sight of the half famished settlement. Before she went to pieces the weather fortunately moderated, when the greater part of the provisions were safely landed, but the baggage and other stores were mostly lost or destroyed. There were then on this little island more than five hundred human beings, with provisions at half allowance only calculated for a very short period. Martial law was proclaimed by general consent, every person on the island, from the commandant to the lowest convict, assenting thereto by passing under the King's colours. The *Supply* returned to Sydney, and the settlement was driven to the greatest distress, the rations issued being three pounds of flour and one pound and a half of beef per week for each adult.

At Sydney equal hardships were suffered, and the inhabitants were glad to eat sea-gulls and any wild animal that could be procured. All the live stock that had been brought out with such care for the purpose of supplying the settlement with the breed of domestic animals were killed for food, and roots and sea-weed were diligently sought after in order to satisfy the cravings of hunger. The Governor received the same daily rations as the meanest transport, and when, on festival days, the etiquette required that the commander should invite the principal officers to his table, they were politely requested to bring

their provisions with them, as he had none to give his visitors ; and a story runs that a certain officer, on one occasion, attended at the dinner hour with his rations stuck on the point of his sword.

The long expected relief at length reached the settlement. The *Juliana*, followed by three other vessels, arrived with convicts and stores ; and the latter, having touched at the Cape, brought on, in addition, some of the provisions saved from the *Guardian*. In September 1791, His Majesty's ship *Gorgon*, with ten transports, and having on board one thousand six hundred and ninety-five males and one hundred and sixty-eight females reached Sydney, and this convoy is designated in the colony the *second fleet*.

Having thus briefly narrated the particulars regarding the early settlement of New South Wales, it will be unnecessary to proceed further with the details of history. The intention of the writer is to describe the *present* state and capabilities of the various Australasian colonies, rather than to give mere recitals of past events. It will, however, be necessary for the information of the reader to touch slightly upon the origin of each settlement ; and as Van Diemen's Land is peculiarly situated, and, in many respects, very different from all the others, it will be advisable to devote a few pages to the formation and subsequent rise of that colony. There are in Van Diemen's Land many yet alive who belonged to the first Derwent fleet, and it is to some of these that the author is indebted for the particulars of many occurrences relating to the first settlement. Therefore, as regards Van Diemen's Land, the relation of events may be relied upon, whereas any history of the early settlement of New South Wales must necessarily be more or less imaginative, because few, if any, remain who can remember those days, and the

records extant give very little information, excepting statistical returns, which relate more particularly to convictism. For many years New South Wales and Van Diemen's Land were under one government, and there must, consequently, be a great sameness in the history of both.

The rise of New South Wales was truly wonderful, considering the numerous disadvantages and unforeseen obstacles which impeded the progress of the first pioneers. Sydney, the dwelling place selected, was, for a long time, a sorry abode for civilized man, nor was there anything like decided improvement until after the termination of the war between England and France; nay, twenty-five years back New Holland, New South Wales, and Van Diemen's Land were all better known in Europe under the one general expressive term of 'Botany Bay.' Peace has, however, entailed many blessings, and, among others, the education of the multitude, so that the people of England are now beginning to have some slight idea of the value of their own possessions at the Antipodes. The numerous emigrants that have settled in the elder colonies within the last twenty-five years, and those that have, during the last ten, become inhabitants of younger settlements, have, one and all, communicated with their friends in England. They have pointed out the advantages and capabilities of the various possessions, and each colonist has been most strenuous in lauding the one he has selected. The intending emigrant, therefore, becomes bewildered, and knows not whither to direct his course; it is very desirable, therefore, to give a true and succinct description of the present state of each of these Australasian settlements, so that persons desirous of emigrating may be enabled, at once, to select such as are suitable to their inclinations or to their means.

CHAPTER II.

NEW SOUTH WALES—PORT JACKSON—STATISTICS—MILITARY—CLIMATE
— SYDNEY — ELECTRIC TELEGRAPH RECOMMENDED — PUBLIC
BUILDINGS—HYDE PARK—GOVERNMENT DOMAIN AND GARDENS
—THE COVE—THE CORPORATION—THE MARKET—BOILING DOWN
ESTABLISHMENTS—FRUITS—STATE OF SOCIETY.

ON entering the heads of Port Jackson there seems to be something like magic in the scenery. From the sea the coast is decidedly uninviting, but once within the northern and southern projections and all before you is enchanting. The inlets and picturesque rocky projections covered with verdant shrubs and trees, present a novel sight to the stranger—and come when he may, it is apparently at all times summer,—the trees are for ever clothed, and the creeping shrubs are always in full leaf; indeed, all nature appears as if offering a smiling reception to the weary traveller who has just escaped the perils of the ocean.

The mouth of the port on either side is flanked with lofty and almost perpendicular cliffs, and before you is the sombre looking George's Head, commanding the entrance. The shores of Port Jackson are irregularly shaped, their outline portraying all manner of strange figures, and the waters are studded with islands as if purposely placed there to add beauty to the scenery. To the left is Watson's Bay, in which is the pilots' station, and to the right is the quarantine anchorage, and the burial ground for such as may

reach the shores to have their remains laid in consecrated ground. Opposite Watson's Bay is a dangerous sunken rock or small shoal, on it is anchored a light beacon—it is known by the elegant appellation of the 'Sow and Pigs.' It was in olden days intended to erect a fortification on George's Head, and there were formerly some half dozen pieces of ordnance there; but it is very long since they could have been serviceable even for firing salutes. Should it ever be advisable to fortify the entrance of the Port, no place can offer better natural positions—the north and south heads are inaccessible from the sea, they are not quite two miles from each other, and batteries, if erected thereon and at George's Head, would render the place impregnable, because no vessel could enter the port without being exposed to the cross-fire from the north and south, and the raking fire from George's Head. As you advance up the waters you reach Bradley's Point, where a miserable attempt has been made in the erection of a battery, and on the opposite shores are Vacluse and Point Piper. Then Sharks and Garden Islands are passed, and you reach "Pinch Gut," the little rock already referred to, and which in modern times has been a hobby of some man in power, who has cut it down and endeavoured to convert it into a battery; but the stone being of a friable nature, it was found impracticable to place guns there,—that is, if they were to be fired. As you proceed, you pass Fort Macquarie, and rounding to the left enter Sydney Cove, which is more like a bason or dock than anything else. Opposite to the Macquarie is Dawe's Battery, which is erected on a mole of land that runs out and separates the Cove from Cockle Bay, an expanse of water more recently known as Darling Harbour. Besides these fortifications, there is Fort Phillip: and the powder magazine, situated at Goats'

Island, at the commencement of the Paramatta river. The whole number of guns mounted in the port does not exceed two dozen, and there are about as many more dismounted or unserviceable. Sydney Cove is distant, by water, seven miles from the heads, and about the same by land to the light-house, situated to the south of the entrance of the port. This beacon is on an elevated position, and can be seen at a great distance at sea.

The territory of New South Wales has been considerably encroached upon since the first charter was granted in 1787. Then it comprised what is now Victoria, the greater portion of South Australia, and the whole of Van Diemen's Land. The present boundaries extend from the northern point, called Cape York, in latitude $10^{\circ} 37'$ south to Cape Howe, and from thence to the nearest source of the River Murray. The colony embraces all the country from the coast to the westward (not including South Australia and Victoria), extending to the 129th degree of east longitude; the adjacent islands within the latitude are also belonging to the territory. It is two thousand two hundred and fifty miles in length from Cape York to Cape How*, and one thousand seven hundred and forty in breadth, from the boundary of South Australia, in longitude 141° east to Moreton Bay, in latitude $27^{\circ} 30'$ south. The districts coming under the denomination of "settled," contain 34,505 square miles or 22,083,200 acres; beyond the boundaries squatters occupy fully one hundred millions of acres, by far the greater portion of land being in sheep runs; there are not above 165,000 acres in all New South Wales under cultivation. The stock of the territory

* The New Australian charter has altered the orthography of this place; it has hitherto been written with a final *e*, Cape Howe, (see 13 & 14 Victoria, cap. lix.)

cannot be fairly calculated, inasmuch as the accounts from the interior are not to be relied upon, and for this reason—the squatters pay rentals of £.10 per annum for depasturing licences, which comprehend a sufficient track of land whereon four thousand sheep may run, or an equivalent number of cattle or horses; and for every additional thousand sheep £.2 10s.—it is not, therefore, very likely, the squatters will over-rate their stocks to increase their rents, and there are no means of proving the correctness of their accounts*. The last returns made by the Government to January 1849, not including the Port Phillip district, give 97,000 horses, 1,366,000 head of horned cattle, and 6,530,000 sheep. The imports for the same year, not including Port Phillip, amounted to £.1,182,874, and the exports to £.1,155,009. The revenue for the same period, not including Port Phillip, was £.267,449, and the expenditure £.252,638. The territorial (land) revenue of both places amounted to £.103,284. The population for 1849, not including Port Phillip, was 187,575 souls. Sydney, when the last census was taken, in December 1846, contained 45,000 inhabitants; so that the present population of the city may be fairly reckoned at 55 or 60,000. A very large proportion of that number consists of Irish, and this is chiefly owing to the fact that, formerly, all transports from Ireland invariably landed their prisoners in New South Wales. So many deriving their origin from

* Squatting or depasturing licences held according to the returns made by the Commissioners in 1849 were, for New South Wales, 1520, comprising 43,896,000 acres; for Port Phillip, 827 licences, including 29,464,000 acres. These limits are regulated according to the number of sheep or cattle for which rent is actually paid, and do not include anything near the real quantity of land over which the stock depastures.

that country, it may naturally be expected that the Roman Catholics form a powerful and numerous body ; the returns make them about one-third of the whole population, but the Catholics themselves assert that their numbers are equal to all the other denominations put together.

The neighbourhood of the capital is an arid sandy soil, for the most part rocky ; of course there are here and there exceptions, and there are a few patches of alluvial deposits. The more fertile districts are at some distance from Sydney, such as Argyle, Bathurst, Wellington, Roxburgh, &c. ; it is not, however, the intention of the writer to offer detailed particulars of the various districts, towns, and townships of the different settlements, but to lay before the reader a general summary of the present state of each colony, and in order to do so it will be quite sufficient if a description of the chief cities be given.

Sydney is the see of a Protestant bishop, there is also a bishop for the city of Newcastle ; the first receives a salary from the colonial treasury of £.2,000 per annum ; the latter, £.1,000. There is also an archbishop of the Church of Rome, who only obtains £.500 from the same funds ; and a vicar-general with £.200 per annum. There are Wesleyan, Independent, and Baptist ministers, and an officiating Rabbi for the Israelites. There is an extensive military staff, and consuls for France and the American states. The troops stationed there are parts of two of Her Majesty's regiments of the line, the 11th and 65th, in all about five hundred men. The barracks were, until lately, situated in George Street, in the very centre of the town, but the continued squabbles that occurred between the soldiers and the populace induced the Government, at the cost of £.60,000, to erect other suitable buildings on the Surrey Hills. distant about two and a half

miles from the city. The soldiers are, therefore, out of harm's way, and a red coat is quite a curiosity when seen in the streets. Why so large a body of troops should be stationed in the bush near Sydney, the citizens themselves cannot imagine. If they are there to protect the territory, then they might as well be in London, for all the good they could possibly effect. If they are there to defend the city, why are they placed at such a distance therefrom? As transportation has ceased, there is no possible danger of any rise among the prisoners, and should the inhabitants take it into their heads to have a fight among themselves, the bullets and the bayonets of the soldiery would not be likely to produce peace, unless by the extermination of one of the contending parties. As to the military being any protection against foreign invasion, they would be utterly useless, because the only way any attack could possibly be made would be by water. Sydney is, in fact, perfectly unprotected, and, in case of war, one single frigate could at any time lay her under contribution. It is a pity the home authorities do not allow the Sydney people to arrange their own defences; they are likely to know the best points at which any hostile force might advantageously be met. The colonists, it would appear, are henceforth not to be treated as children but as grown up youths; and having become men they do not require their mother to stand by to frighten their enemies. If one-fourth of the money now annually expended by the parent State in the support of the military establishments in the colony, were placed under the management of the local authorities, in five years Sydney might be made the strongest naval position in the whole world. As to troops—a militia, composed of colonists protecting their own homes and their own properties would, most probably, in case of war, be quite as effective as soldiers, who feel no interest whatever in

the prosperity of the place. The British troops are now useless in New South Wales, and they might be advantageously posted elsewhere. If the Sydney people are allowed to defend themselves they will do so effectively, and it is not at all improbable that, in case of war, armed vessels would leave Port Jackson and clear the Pacific of every flag inimical to that of England. It will therefore be prudent on the part of the British Government, hereafter, to treat New South Wales rather as an ally than as a mere dependency.

The climate of New South Wales varies considerably according to the situation; thus, in 10 degrees south, it may naturally be supposed to be nearly as hot as in any part of the world, whereas, in latitude 38°, it may be called temperate. At Sydney, the weather, generally speaking, may be considered warm, the summer average of the thermometer being about 73 degrees of Fahrenheit; when the land winds prevail it is oppressive in the extreme. The soil in the immediate neighbourhood, westward of the city, is of a red colour, and when the hot wind blows from the interior it is, in consequence, called a "brick-fielder:" Sydney, then is scarcely bearable; every window is closed, the dust is raised in one continuous cloud, and so dense that respiration is at times difficult. So intense is the heat during these winds that the thermometer has been known to rise as high as 118° in the shade. The Surrey Hills, lying more to the south, are covered with a coating of white sand, and, at first, a stranger fancies them to be snow-capped. The old hands say, they remember these hills pasture ground, and that, since Cook's River has been dammed up within its narrow channel, the wind has driven the sand from Botany. Fortunately the land gales, whilst they are in full force, do not sweep over these hills, otherwise the white sand would be far worse than the red dust,

and that is bad enough in all conscience. Speaking of the climate, a modern compiler says that it is "owing to the fineness of the climate that dogs do not go mad in Australia; that horses are seldom or ever known to kick; that herds of wild cattle have a degree of tameness unknown on the Pampas of South America; and that the descendants of Europeans are remarkable for their equanimity of temper." There certainly has been no confirmed instance of hydrophobia among the canine race, but New South Wales and Van Diemen's Land horses will kick as vigorously and as spitefully as any educated in England. As to the cattle, the writer of these pages knows nothing about the degree of tameness of those of the Pampas, but the English reader cannot form an opinion of the terrific wildness of some of the herds both in Australia and in Van Diemen's Land. It would be madness to attempt to drive a wild mob of cattle through an English town. The author referred to is, however, most unquestionably correct as to the equanimity of temper of the European colonists. A nation is but composed of individuals, and if individuals, when prosperous, are good humoured and inclined to obesity, so is it with a community.

The country for many miles around Sydney is subject to severe drought, and during those calamitous inflictions the utmost wretchedness prevails; the streams, the pools, and water-holes are dried up, and cattle die by hundreds; in fact, it is the great drawback to the neighbouring country. Of late years the settlers have spread themselves over more distant lands, not so subject to the scarcity of rain; indeed, there are in New South Wales settlers enjoying climates on the hills southward not much warmer than that of England, whilst there are others on low lands to the north broiling within the tropics. Rain, when it does fall in the

neighbourhood of Sydney, usually comes down in earnest, but unless it be actually raining, the streets of the city are always dry and clean. The most delightful season is the winter, and it is then that the beauty of the climate is experienced; the usual winter temperature is about 55° of Fahrenheit. People live to a great age, and in all parts of the colony the average of life considerably exceeds that of England.

The Government of New South Wales consists of two councils, the executive and the legislative. The former are officers appointed *ex officio* by the Home Government, and their duties are somewhat similar to the home ministry, being advisers of the representative of royalty. The legislative council is composed of members, one-third nominated by the Crown, the remainder elected by the people. The new Australian charter will have less effect on the present constitution of New South Wales than upon any of the other colonies, the enactment being framed chiefly according to the system of government that has been permitted in New South Wales for some years past. A short time will determine what effect will result from giving the several colonies a partial control over their own affairs, but in all human probability the new charter brought forward by Her Majesty's ministers will have the most beneficial consequences, and do more towards elevating the colonies than any other measure that could be adopted. Probably, before long, the three adjoining Australian states will, with Van Diemen's Land, form one powerful federacy, and rank high among the nations of the world; indeed, there is every prospect that such must be the case. Vast extent of country and boundless resources of wealth are at their command,—all that is required is—population.

Very much has been said and written respecting the various colonies having representatives in the British Par-

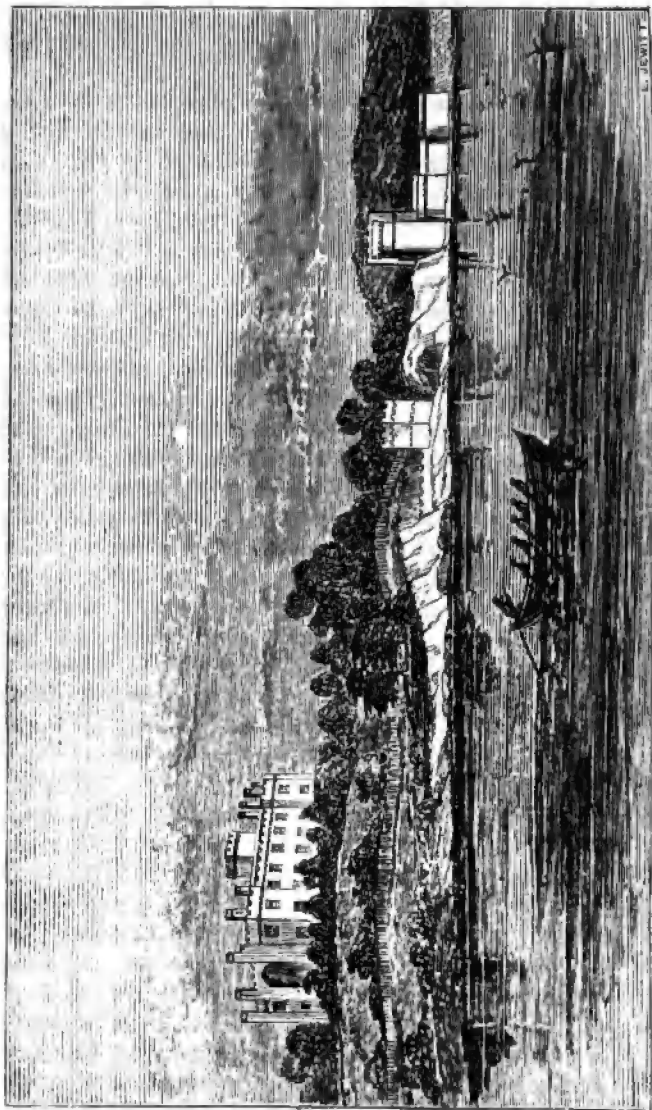
liament. Hitherto, the settlements have been regarded as dependencies, and the colonists have on most occasions been *made to feel their dependency*. It has until lately been considered that the inhabitants of the British possessions could only be governed by compulsory means, and troops have been stationed among the people, not so much for the purpose of their protection as for the enforcement of the arbitrary rule of those sent out to govern; but of late years the home authorities have considered it advisable to treat the colonists very differently. As regards these distant settlements of Australasia, twelve thousand miles was formerly considered the right focus for the political spy-glass; or, as Sam Slick has it,—“A man livin’ here, and who never was out of England, knowd twice as much about them provinces as the colonists did themselves. Folks in England not only knowd everything about them countries, but had no doubts upon any matter, and asked no questions; in fact, they not only knowd more than the colonists, but more than the people themselves did what they wanted. It’s curious, but it’s a fact.” If a man residing at the Antipodes required the advice of a doctor, it would be folly for him to send his case to a London practitioner; if he were to do so, he would be laughed at for his pains; he might describe his disease, but long before the advice could be given and the prescription made up, the patient would be dead. So it is with political diseases in the settlements. What can those living in England, that have never visited the colonies, know about the interests of the people, and the general management of the distant possessions? The welfare of all of them should be closely interwoven with that of the mother country, and the colonists themselves ought to have some stake in the general affairs of the parent state. Ireland, which is but a dependency of

the British crown, has her Viceroy or Governor, and so **have** the colonies. Ireland sends numerous members to **the** Parliament; and because Australia happens to be more **distant** from England, there can be no reason why the **British** subjects therein residing should not feel sufficient interest to allow them to have a voice in the affairs of the nation. Were members to be sent to the Commons from the various British settlements, it would raise the colonies, and be the means of uniting the parent and her offspring into one over-ruling power, to which all nations of the globe would necessarily submit; and, in the event of the parent state falling into decay, the children would be ready and willing to rally round her and protect her. The Australasian colonies might with justice be allowed to send deputies to the House of Commons, if they so pleased, or at first be permitted to appoint British members to represent them; but if deputies be sent from the settlements, the term of years should not be dependent on the dissolution of Parliament. Had every colony its representative, the colonial members would form a strong body that could, in the case of emergency, be relied upon by the Crown; because, on the welfare of the mother country would the colonies be dependent: and such members would not be likely to join in party squabbles. They would be enabled to assist the home authorities in the administration of colonial affairs, for each would be master of the local interests of the people he represented, and be always ready at hand to protect by his advice the colony that elected him.

The city of Sydney was in the first instance planned without the founders ever contemplating that it would become what it now is; therefore, near the Cove, or landing-place, the streets are narrow and not well laid out; whereas, towards the outskirts, the thoroughfares are wide

and at right angles to each other. The whole of the city is well Macadamised, well drained, and the foot-paths paved, and all the streets and principal shops are lighted with gas. The fresh water, which as Collins described "stole silently through a very thick wood," was in after-years formed into what were called the Tanks, reservoirs where the water was dammed up to prevent any waste; but the supply was soon found to be inadequate to the necessities of the inhabitants. An ample quantity was therefore procured from the Lachlan swamp, near Botany, by means of a tunnel of some two miles and a half in length: for the greater portion of the distance this aqueduct is cut through solid rock; the channel is five feet high and five wide. The water is laid on in pipes through most of the streets, and in some of them there are public fountains. Sydney has numerous wells, which were sunk during the time of scarcity before the tunnel was completed. The Lachlan water is of excellent quality, and no better can be had for long sea voyages.

Between Darling Harbour and the Cove is the signal station, and here may be seen hieroglyphical flags denoting what vessels are coming into the port, and from whence, with all other particulars interesting to the mercantile community. It is somewhat surprising that an electric telegraph has not been laid down between the light-house and the city; it might be accomplished very easily, and at very little expense; and it would assuredly be advantageous in case of shipping being in danger on the coast. The hazy weather at times prevents the present telegraph being serviceable, and when this is the case danger is likely to arise from vessels approaching. The men stationed at the light-house might witness the wreck of a craft, and yet it would take considerable time to communicate the intelligence to Sydney by means of messengers,



THE GOVERNMENT HOUSE, NEW ZEALAND

even if any were at hand ; whereas, by electric communication, steam-boats might soon be at the Heads to relieve such vessels as were in distress.

Near the signal station are the rocks,—and what sailors are there in the world that have not heard tell of the ‘ rocks at Sydney ’ ? They are truly rocks, above high water, and yet many a mariner has been wrecked on them, and lost every stitch of clothing he was worth. These purlicious are famous for sailors, rum, and a certain class of ladies,—a queer place, and some strange tales could be told respecting the scenes that have there been witnessed.

Considering the vast amount of convict labour the Government for so many years had at command, it is to be regretted that the numerous public buildings are not of a superior order. The new Government House or Palace is very large, handsome, and exceedingly well built, but it is on rather too magnificent a scale in proportion to the Governor's salary. It is situated on an elevated position between the Cove and the Government Gardens, and it commands a view of the waters of Port Jackson. It is of the Elisabethan order, and erected upon a rocky foundation ; it was estimated to cost £.25,000 ; by the time it was completed the original sum was fully doubled. The Hyde Park barracks, formerly for convicts ; the old Court House, where the civil sittings are now held ; and St. James' Church, are all of red brick, and are excellent specimens of building ; but beyond that, there is nothing in them for the citizens to boast of. Then there is the long line of hospitals* and other Government buildings in Macquarie Street ; these are all commodious, though not by

* The Hospital was called the “ Rum Hospital,” the contractors receiving payment from the Government in sixty thousand gallons of rum, and a monopoly of dealing in rum for three years.

any means ornamental. Then there are the Custom House and the Post Office, both well suited for the purposes intended, and nothing more. The churches also are spacious and well adapted for large congregations. St. Andrew's cathedral, at the termination of George Street, now in the course of building, had the foundation-stone laid in May 1839; it will contain a congregation of two thousand persons when finished, but when that will be appears somewhat problematical. The Roman Catholic cathedral, on the race-course, is a superior edifice of the Gothic order of architecture, and is highly creditable to the body of Christians at whose expense it has been erected. At Wollomoolloo is a well built criminal court, and attached thereto is a large gaol, which is officially designated Darlinghurst; the building cost upwards of £50,000. In George Street is the Royal Hotel, a most commodious establishment, on which more than £30,000 have been expended, and yet the interior is far from being finished. The Royal Theatre — 'the Victoria,' in Pitt Street — is an elegantly constructed edifice, and generally speaking is well supported. The buildings of the various banks and other public companies, and the club-house in Bent Street, are very creditable, and so are most of the stores belonging to the merchants and traders: the greater number of these are built of free-stone: the shops too are as elegant and as well stocked with all kinds of merchandise as are those of London. There are in the city numerous manufactories of various kinds. There are many public schools; indeed, education may be had from the Sydney College to the infants' Sunday class. The private seminaries are also deserving notice, both for the extensive scale on which some of them are conducted, as well as for the education afforded to the pupils. There are numerous temperance societies, bible societies, and educational societies, besides those of horticulture and agriculture.

There are stage coaches, omnibuses, and cabs ;—indeed, Sydney may be compared to a little London.

George Street is the principal thoroughfare ; it runs through the centre of the town, and extends in a direct line from the old wharfs to the brickfield hill, and the latter continues to the Paramatta turnpike ; throughout the whole of the distance, George Street is lined on both sides with shops and public buildings. Hyde Park, formerly the race-course, is an open public reserve, subdivided into four spacious compartments ; and in these on Saint Monday's and other gala days, such tribes of youths may be seen amusing themselves, that the stranger naturally wonders where they can all possibly come from. There, on the hottest days in summer, may be seen English lads engaged in English sports—cricket, leap-frog, and such like cooling exercises. A few minutes walk from suffocating George Street will take you, by way of the club house, to the Domain, at the entrance of which is erected the statue of General Bourke, a former Governor, in respect for whose memory as a ruler, the monument was erected by the citizens. There are two other entrances, one by way of Hyde Park ; the other, for pedestrians only, by an agreeable detour along the Cove and round by Bennelong's Point or Fort Macquarie. The Domain contains some hundreds of acres, and is one of the many projections of land that branches forth into the waters of Port Jackson. The manner the public walks and drives are laid out, cut through the scrub, or extending along the rocky cliff, or winding on the margin of the water, is highly creditable to the Governor, who first designed, and then appropriated this valuable property for the use of the inhabitants ; that Governor was Macquarie, a name venerated by all the old colonists, whether in New South Wales or Van Diemen's Land. In

the long walk, in the side of a rock overhanging a romantic beach, is Lady Macquarie's Chair, a lovely seat "formed by Nature, and adorned by man;" it was Her Ladyship's favorite resting place, during the time, and after, the gardens were planned. The panoramic views which pass before you as you traverse the numerous serpentine passages are truly enchanting; the waters of the port are generally in sight, and the shipping may be seen passing to and fro, and usually you catch a glimpse of some distant picturesque villas, dotted here and there on the northern shore, or perhaps on Wollomolloo. The dwellings of the gentry in the immediate vicinity of Sydney are most elegant specimens of building, the inequalities of the ground, and the sterility of the soil, have afforded ample scope for the taste of the architect, and the expenditure of vast sums of money. At the entrance of the Domain is a large grass inclined plain; it is here the troops are occasionally reviewed, and here also on certain days the military bands on an afternoon perform favourite airs; these musical performances are not so well attended as they were in former times, for the soldiery and the inhabitants are on anything but good terms with each other. There is likewise a city band, all the amateur performers are native youths, or what are sometimes called "currency lads;" these young men perform in an excellent style, and on public festivals they willingly offer their services.

In the Domain bordering on Farm Cove are the Government Gardens; these are the pride of Sydney—the Eden of Eastern Australia. All kinds of botanical specimens that are suited to the climate, are here to be seen thriving very luxuriantly. On entering, the most striking ornaments are the several Norfolk Island pines; more majestic looking trees cannot well be imagined; covering the

Ground at the base, they rise to an enormous elevation. Some of these may be seen at Norfolk Island upwards of one hundred and eighty feet in height, and the stem has been known to exceed eight feet in diameter. The pine throws out its full branches horizontally, and each diminishes to the extreme height in regular spiral gradations. The timber is much used in the manufacture of furniture, and is something like satin-wood ; it receives an excellent polish, and has one extraordinary peculiarity—it shrinks lengthwise. In the garden, the soil of which is sandy and sterile in the extreme, are reared, by means of art, most kinds of tropical shrubs and plants. The Londoner may, however, be surprised to learn that there are no such things as hot-houses in these gardens, nor in all New South Wales, and that gooseberries and currants are the greatest rarities imaginable at Sydney. It is not so much the botanical specimens which render the gardens so attractive, but it is the manner in which the grounds are parcelled out. The shrubberies, the plots of flowers, the winding shady walks, the grassy terraces, the sequestered seats, and hewn-out-of-the-rock lounging places, over-shadowed by the native figs or other thick foliaged trees ;—it is these and such like that are so enchanting, and at once give the place an air of tropical luxuriance. The gardens are so different to any thing that can be seen in Europe that the variety and novelty add considerably to their beauty. In one part, near the sea shore, is a small artificial pond, as it were entombed by weeping willows, trees much prized in New South Wales on account of their rarity ; in the centre of the water rises an obelisk, erected in memory of the celebrated botanist Allan Cunningham, who was formerly superintendent of these gardens. The gates of these delightful enclosures are at all times,

during daylight, open to the public, and are well attended, in the morning by the studious and convalescents, and in the afternoon by the giddy fashionable of the city.

The Cove of Sydney has deep water to within a few feet of the edge of the shore, consequently wharfs have been constructed, which allow the largest vessels to load or unload alongside; the rise of the tide is very trifling. The circular wharf at the bottom of the Cove is now fast approaching completion, and, from its name, its form may be surmised. This wharf, and indeed the Cove itself, is more particularly appropriated to foreign merchantmen, whereas Darling Harbour has the steam-boat jetties and wharfs for coasting traders. Nearly a thousand vessels enter the port annually, many ships of large size are built in the colony, and there is a whole fleet of whalers belonging to Sydney owners; besides which, many Americans, and ships of other nations put in there for supplies and repairs. Steam-boats constantly trade between the capital and the outports; and, periodically, large steam-vessels leave for the neighbouring colonies. Paramatta boats run to and fro at all hours of the day, and on festivals fill to excess with well-dressed passengers.

Of all the towns in the world, perhaps Paramatta, the Rose Hill station of former times, is the dullest of the dull. How to account for this is not very easy; it may be that its being built on level ground has some effect; be that as it may, there appears to be a monotonous mournful silence overshadowing it; and yet Paramatta is a somewhat celebrated place, and possesses a population of upwards of six thousand inhabitants, and ranks next in importance to the capital. There are cloth manufactories; and the tweed of Paramatta is well known in England. The colonists in the adjoining settlements patronize the

fabric, and a very profitable trade is carried on. It is a corporate town, having a municipal district council. The Governor has his country residence in the immediate neighbourhood, near which is an observatory, erected by Sir Thomas Brisbane. The streets are well laid out, and there are many superior public edifices; the shops are stocked with all sorts of articles. It is situated on a little stream, at about fourteen miles by land, and rather more by water, from the capital. The houses are mostly detached and have gardens or shrubberies in front and around them. The climate is somewhat variable, and the thermometer averages, in hot weather, some seven degrees higher than it does in Sydney. It would appear from Mr. R. M. Martin's account of New South Wales, that the winters are very considerably colder at Paramatta* than they are in Sydney; for he asserts he has been there during that season and eaten *iced milk* and gathered ripe oranges from the tree at the same time; *water* never freezes in Sydney, but *iced cream* and oranges may generally be had at the confectioners.

Another favourite place for holiday excursions is Botany; this bay, instead of being the unhealthy spot it was in Governor Phillip's time, is now converted into the most salubrious part of New South Wales, and to which place invalids are sent from the city for the benefit of the air.

* "The town of Paramatta lies in a sheltered valley, and its climate during the winter months is delightful; but in the summer the heat is sometimes intense; the difference of temperature between it and Sydney being generally as much as from six to ten degrees."—p. 463.—"In Sydney the thermometer is rarely below 40°, in Paramatta it is frequently down to 27°, in winter; and in my garden at Paramatta I have, on a winter morning, eaten frozen milk beneath an orange tree, from which I gathered the ripe and ripening fruit."—*Australia, or New Holland*, p. 504.

Cook's River, which formerly swamped so large a tract of country, has been, by the hands of man, confined to its present deep channel, and the marshes have been converted into smiling nursery gardens, where, during the hottest seasons, the finest vegetables are produced for the Sydney market. Botany is daily improving; nor is it to be wondered at, when it is remembered that it is so delightfully situated, and affords so pleasant a ride from the city. One of the most agreeable ways of passing a holiday, and that adopted by very many of the citizens, is by an aquatic *pic nic* on the Port Jackson waters; the fishing in the several bays affords ample sport, and the shaded nooks and sequestered little islands invite those that are weary to the shore, where, by means of a hammer and a chisel, the rock oysters are always to be obtained in abundance. Almost all the Sydney people are accustomed to boating, and there are few of the colonial youths that are not expert swimmers. The regattas that are annually celebrated are of a superior description, but as it is intended to describe those of Van Diemen's Land, it is unnecessary to give an account of those of Sydney.

The city may be considered to a certain extent perfectly independent of the local government, as much so as the city of London is of the Imperial parliament. It has a mayor, with a salary of £.800 per annum, whose election takes place yearly, and there are aldermen and common councilmen, a town clerk, and city surveyors, &c. The corporation, for it became a corporate body in 1842, can levy assessments, and has charge of the guarding, lighting, and paving, &c. of the city, which is divided into wards; and the inhabitants of each district elect their own respective officers.

The Sydney councillors will do well to follow the more decorous example set by their seniors in the mother country,

and it is to be hoped that hereafter they will not be quite so personal in their observations to each other as some of them were last year ; such were then the proceedings, that people actually compared the Town-hall to a bear garden. Rome was not built in a day, and perhaps, when Rome had been established only sixty years, her City councillors were no better behaved than were those of Sydney during the year 1849.

The city market is celebrated over most parts of the world ; it is held under extensive double ranges of buildings in George Street, and, in point of situation, and in every other respect, is well suited for the purpose intended,—there are, the wholesale and the retail departments. The market is amply stocked with flesh, fowl, and vegetables, all of which are to be had at very low prices. It is well worth attending on a Saturday evening, if it is only to see the throngs of people that are making their purchases, indeed, no one thinks of leaving New South Wales without paying it a visit. The shops are brilliantly lighted, and judiciously ventilated, everything relating to their management is exceedingly well regulated. The climate being generally hot, the butchers and poulterers are compelled to dispose of their stock at some price or other, because to keep animal food till the Monday following, would be to ensure a total loss. Bargains are indeed bargains, sometimes a shilling will purchase as much food as a couple of sovereigns would in Leadenhall, pounds of meat are not bargained for, but lumps and joints. Animal food is worth little more than the cost of bringing the live cattle to market.

Sheep and oxen are boiled down in thousands merely for the sake of their tallow, bones, wool, and hides ; the meat

or refuse of the boilers is thrown to the pigs, and the swine actually wallow in boiled flesh. The tallow or fat when in the coppers, floats on the surface, and is drawn off through a vent, and transferred by a hose to the casks, and when cool, is ready for shipment; the gelatine or essence of the meat is commonly wasted. Considerable quantities of this article years since were sent to England, but the consignments were not profitable, there was a prejudice on the part of the tavern keepers and others against using it. The gelatine, when prepared, is made up into cakes, and has much the appearance of glue; it will keep in a sound condition for any length of time, unless exposed to damp; indeed, the author has some by him which he occasionally uses, that has been in his possession upwards of six years, and it is now as good as it was the day it was presented to him at Sydney. It is somewhat surprising that the guardians of the workhouses in England, have not turned their attention to this article, it might be had at very reasonable rates, and would be a great blessing to the poor. One cubic inch of this substance diluted in water will make a pint of strong gravy, and probably, if thickened with a little flour or oatmeal would produce at least half a gallon of cheap and very satisfying nutritious soup. The Sydney people until lately imported considerable quantities of preserved fresh meats, hermetically sealed in tins, for the use of their shipping; but now they not only supply their own wants, but are returning the compliment, and preserved meats are among their articles of export to England. During the year 1849 there were 165,701 sheep, and 33,097 head of horned cattle, boiled down, in New South Wales, producing 60,841 cwt. of tallow. The general rule is, that if fat cattle will sell for more than two pounds a head, they

are at too high a rate for boiling, and the butchers then are the only purchasers* ; when, however, the animals once reach Sydney, they must be sold at any price : it will not answer to purchase food for them, and it is never worth the while of their owners to drive them back to their runs, and keep them there under the expectation of a better market. A work lately published on New South Wales, says that the entire carcase, excepting the hind legs of the sheep and bullocks, are thrown into the boiling vats, and that the hind quarters are sold, and thus the price of good mutton reduced. Most of the boiling down establishments are at some distance from the towns, and the climate will not allow meat to be forwarded, in a fresh state, to the markets. It is true some few salt the rounds and the tongues : and occasionally mutton hams are made, but generally the whole carcasses, excepting the tongues of cattle, are chopped into pieces, and cast into the boiler. The scenery of a boiling down establishment is a dreadful sight, large herds of noble looking animals are driven into the yards, and then portions are drafted into the slaughtering shed, there they are " pithed " by the dozen, drawn up, skinned, and chopped into junks ready for the boilers ; and there literally may be seen little pyramids of quivering flesh.

Fruits of all kinds, excepting the smaller berries and those of cold climates, are to be had in great perfection. Pines, oranges, melons, figs, grapes,—these are all very

* The last accounts from Sydney state cattle to be from twenty-six to forty-two shillings each. The average quantity of fat obtained from the ordinary run of cattle may be reckoned at 180 lbs. per carcase, and 20 lbs. from each sheep. Calculating the tallow, after cost of boiling down, packages, &c. at two-pence half-penny per lb., the cattle are worth thirty-seven shillings and sixpence, and the sheep four and two-pence ; but the sheep and cattle must be in good condition to produce this quantity of tallow.

abundant, and the climate is particularly adapted to the growth of the olive; yet for some reason this fruit has not been cultivated, excepting as an article of botanical curiosity. The wines made in New South Wales are very superior, and nearly all the various qualities known in Europe can be produced in different parts of the colony. This culture has not been carried on to any considerable extent till the last few years; the supply now brought to market is rapidly taking precedence of the unwholesome compounds formerly imported as Port and Sherry. The whole coast of New South Wales abounds with fish; the snapper is that in most general consumption: in taste it somewhat resembles the turbot of Europe. There are many others, among which the epicures select the whiting and mullet. Whilst speaking of epicures, it may just be remarked that some of the tribes of New South Wales know much better how to cook fish than do the *artistes de cuisine* of Europe. They light their bush fire, and taking a handful of leaves, lay them on a stone before the fire; upon those leaves the fish is placed, and behind it a flat stone to reflect the heat; when cooked the skin cracks, and the whole of it peels off with the scales, the intestines dry up, come out whole, and are thrown away; and the fish may then be eaten with all its nutritious juices. Water is necessary for fish whilst alive, but quite unnecessary for them when dead, and no epicure will ever allow the inside of a fish to be washed. Cray fish are to be had of extraordinary size and of excellent flavour; they are something like those of the London market, they have the large claws of the lobster without the little nipping forceps. Turtles are brought to Sydney from the north, more especially from Moreton Bay. Dr. Lang, in his "Cooksland," (page 96,) says—"The greatest excitement prevails in

“ hunting the turtle (for it can scarcely be called fishing),
“ black natives being always of the party, and uniformly
“ the principal performers. The deepest silence must
“ prevail, and if the slightest noise is made by any
“ European of the party, the natives who assume the
“ direction of affairs frown the offender into silence.
“ They are constantly looking all around for the game,
“ and their keen eye detects the turtle in the deep water,
“ when invisible to Europeans. Suddenly, and without
“ any intimation of any kind, one of them leaps over the
“ gunwale of the boat and dives down in the deep water,
“ and perhaps after an interval of three minutes reappears
“ on the surface with a large turtle.” Sometimes the
“ black fellow” will bring up one weighing five hundred
weight, but the natives are “ frequently wounded by the
“ powerful stroke of the animal’s flippers.” At Sydney
there are abundance of oysters, some like those of Eng-
land; these are called the ‘ mud’ oyster: there are others,
the ‘ rock,’ which receive their name from adhering to the
rocks; they are rich flavoured, and are generally sold in
Sydney at about threepence a pint. They are in this
liquid state used for stews and sauces, and when eaten at
the sale rooms they are served up on their shells. These
oysters grow in all manner of strange shapes, and are not
only found in great quantities on all the rocks in the Port
Jackson waters, but they also adhere to wood; thus, if a
tree perchance happens to expose a root, or to dip a limb
into the water, the oysters are soon found to be attached
thereto; so that in Sydney it is perfectly true that oysters
do actually grow on trees.

There are periodical races held at most of the principal towns, and horse racing may, at times, be witnessed quite equal to anything in England. Horses are very low in

price; a good hack, well broken in, may frequently be had for four or five pounds, and the very best will not fetch more than ten to fifteen; generally the stock owners will allow their herds to be picked at about five pounds per head. The breeding of horses is not so profitable as that of horned cattle; horses are not boiled down for their fat, and their hides are of little or no value. During the season, there is in the vicinity of Sydney some good stag hunting; deer are somewhat plentiful in one or two places, but, generally speaking, there is, within many miles of the city, a great lack of anything like game; in the interior it is far different. The heat of the climate will not allow the flesh of animals to be conveyed any considerable distance, consequently kangaroo and other similar delicacies are rarely, if ever, seen in the city.

There are newspapers in abundance in New South Wales. The leading journals are, of course, those of the capital, and the first paper, in point of circulation, is the Sydney Morning Herald. There are, besides, numerous other publications of all kinds and for all parties, and adapted for those who think for themselves, or for such readers as allow other people to think for them; it is, however, somewhat discreditable on the part of the gentlemen connected with the press, that no directory has been published in Sydney since the year 1847.

As to the state of society in New South Wales, very much has been said, disrespectfully, regarding the morals of the people. In justice, certain allowances should be made when it is borne in mind from what source emanated a very large portion of the population. Then again, it should be recollected that there formerly were only two classes of society, the free and the freed—or those that had been prisoners. The government or free portion held them-

themselves perfectly aloof from the emancipists, and they were, in return, looked upon by the wealthy freed as mere proud aristocratic paupers. Thus the two sections have ever been at variance, running down each other, and thus giving a bad repute to their own adopted homes. The over-bearing conduct of some of the emancipists, it is true, has also done much to injure the standing of society in the estimation of the people of England; but, considering all things, and more particularly not forgetting that the climate is excitingly warm, it is a matter of surprise that there should be so little immorality as there is among the inhabitants. The middle classes have made rapid advancement since the system of convictism has been abolished, and the society of the city and the morals of the people are, in fact, now much about the same as is the case in most seaport towns in the mother country. If there yet remains anything to complain of, it is entirely owing to some few of the lower orders, or those who ought to rank as such, but who, from some strange freak of fortune have, by their wealth, become elevated above their proper station in life. As regards the orderly conduct of the lower classes, it may with safety be asserted that there are fewer disturbances in the streets of Sydney than there are in those of London, and that actual crime among the free population is far less prevalent in New South Wales than in England.

CHAPTER III.

WESTERN AUSTRALIA.—BOUNDARIES—THE SWAN OR PERTH—KING GEORGE'S SOUND—PRESENT PROSPECTS MORE FAVORABLE—MINES—PEARL BANKS—WOODS FOR EXPORTATION—MILITARY STATION IN THE TERRITORY—INCLUDED IN THE AUSTRALIAN CHARTER.

SOUTH AUSTRALIA.—ESTABLISHMENT—STATISTICS—CLIMATE—POPULATION—EXPORTS AND IMPORTS—COLONY WELL SUITED FOR EMIGRATION—CITY OF ADELAIDE—MANUFACTURES—DIFFICULTIES ATTENDING THE FIRST SETTLEMENTS.

VICTORIA.—DISCOVERY OF PORT PHILLIP—COLLINS' VISIT—BUCKLEY—SETTLEMENT IN 1835—LOSS OF GELLIBRAND AND HESSE—STATISTICS—EARL GREY RETURNED AS MEMBER—GEELONG—MELBOURNE—RAILROAD FROM WILLIAMS' TOWN RECOMMENDED.

NEW ZEALAND.—THE THREE ISLANDS DESCRIBED—VERDANT APPEARANCE—MISSIONARIES OF FORMER TIMES—COMPANY'S CHARTER VIRTUALLY DEFUNCT—ABORIGINES—PRODUCTIONS—WOOD, FLAX, &c.—STOCK—FOOD OF ALL KINDS—CANTERBURY SETTLEMENT.

NEXT in point of continental seniority to New South Wales, comes Western Australia. It was established in June 1829, and, as its name implies, it is the western portion of the continent of Australia, and its boundary line from sea to sea, (north and south,) is at the 129th degree of east longitude, consequently separating it from the territory of New South Wales. Western Australia includes Hartog's Island, in longitude 112° 52'. The greatest length is 1280 miles from north to south, and it is 800

miles in breadth from east to west. The settlement was first formed on the river Zwaanen, so named by Captain Veaming, a Dutch navigator, in 1697, and it is from this name that the colony is generally known as the Swan river settlement. The population, according to the last official returns (1849), was 4622 inhabitants, of whom 2818 were males, and 1804 females. The exports amounted to about £.25,000, and the imports were rated at £.30,000 per annum. Western Australia, generally speaking, is well watered, and possesses the advantage of several navigable rivers; this, however, could not be otherwise than expected, when it is recollected what an extensive line of coast belongs to the territory. By far the greater portion of the land on the western shores of Australia are to this day unexplored.

The climate varies considerably; the northern boundary is within the tropic, namely in $13^{\circ} 44'$ south, and the southern extends to "West Cape Horne," in latitude $35^{\circ} 8'$ south. In the immediate neighbourhood of the settlements on the Swan, the temperature is much lower than might be expected considering its position, but this may be accounted for by the prevalence of the sea breezes. The climate is reckoned healthy, but of course it should be remembered that in describing these vast territories, places are only referred to where settlements have been actually made. The staple product is at present wool, and there are about 150,000 sheep belonging to various settlers—of cattle, there are about 12,000 head. There is an unlimited extent of excellent pasture land in the interior, and it is generally considered that the north-western portions of the territory will some day be settled most advantageously, there being every reason to believe that the climate and soil are well adapted for the growth of sugar and coffee.

Perth is the seat of the Government ; it is on the Swan, and distant some ten miles from the port named Freemantle. The town of Perth is at the foot of a hill in the bay or expanse, called Perth Water, which again opens into another, called Melville Water ; the latter is six miles long and four in breadth, having for the back ground the Darling range of mountains.

King George's sound was discovered in 1791, it is an extensive bay on the south coast of Western Australia, and eastward of Cape Leeuwin (Lioness), the principal town is Albany. In 1826, it was taken possession of by the Sydney Government—it was intended to form a secondary penal establishment there, indeed, a detachment of troops and some convicts were in possession of the place when the charter for Western Australia was granted, and the settlement was consequently abandoned by the Government of New South Wales, and the troops and convicts were withdrawn. The sound possesses all the qualities requisite for a good harbour, its position, however, being to the eastward and to the leeward of Cape Leeuwin, in the vicinity of which strong westerly gales prevail, the danger of the coast detracts very considerably from the value of its other advantages.

Wonders were expected, when the Swan River settlement was first discovered ; many wealthy persons migrated there under the expectation of finding their prospects benefited by becoming settlers in this Dorado ; people flocked from England and from the colonies, and almost all had to regret having been deceived by the false hopes that they themselves had willingly fostered. It was soon found that the system adopted might be very well in theory, but in practice it was far, very far otherwise. Grants of land of very considerable extent were given to private individuals in the immediate

Neighbourhood of the settlement; parks were contemplated, and gentlemen of property took out their racing studs, and their packs of hounds; but experience very soon convinced all parties interested, that young colonies were ill adapted for such pastimes as horse racing and hunting. As the land was partitioned out among the wealthy individuals, there remained but little prospect of the industrious emigrants obtaining landed property, unless at a very considerable distance from the markets, the consequence was, that the truly valuable colonists, the labourers, finding little chance of success, abandoned the place for other settlements, that offered to them more favourable inducements; for some time therefore the Swan retrograded, and at length dwindled into comparative insignificance.

Within the last few years there seems to have been a reaction, and the prospects of the settlement are becoming far more cheering, and emigrants are proceeding thither in considerable numbers. The British Government finding a difficulty in disposing of their convicts, have lately forwarded some portion of the prisoner population to Western Australia, and the introduction even of convict labour, cannot be otherwise than beneficial to a community so impoverished as the Swan has been for want of labourers. It is nevertheless sincerely to be hoped that the home authorities will not force upon the settlers the educated 'Exiles,' but that the system of assignment formerly carried out so successfully in New South Wales and Van Diemen's Land may be adopted; nor must the colony be inundated with convicts as Van Diemen's Land has been, but only a sufficient number of short sentenced men should be sent there, and the supply ought to be regulated according to the recommendation of the Governor or of the Legislative Council, as soon as that council becomes established; under such circum-

stances, the transportation system cannot be otherwise than beneficial. The distance of the Swan from any other settlement renders it a fitting place for penal discipline of a mild description, but nothing like the severity of the punishment inflicted at Norfolk Island or Port Arthur can be carried out, because men so suffering would as a matter of certainty take to the bush, and ultimately occasion war between the natives and the Europeans. (See Appendix, A.)

The land in the immediate neighbourhood of the Swan settlement, excepting a few patches here and there, is any thing but favourable for either agriculture or pastoral purposes; but from a report lately published, it would appear that some very superior tracts of country have been discovered at no great distance from the capital; valuable mines of lead and coal are now being worked, and pearl oyster banks of very considerable extent and unlimited value have been found. The colonists are also very sanguine in their expectations of driving a profitable trade in sandal wood and a species of mahogany; these are to be obtained in large quantities, and the former especially is much in demand in the China market. Having such natural productions, it must be the fault of the settlers themselves, if with labour at command, they cannot in the course of a few years elevate their colony to a rank somewhat similar to that held by their hitherto more prosperous neighbours.

The Aborigines are a very harmless race in this portion of the continent, and they are, generally speaking, willing to be employed by the settlers. To the credit of the white population it should be mentioned that they have always acted kindly towards these black proprietors of the soil, and, consequently, they are, in return, on most friendly terms with the Europeans. These natives are not fitted to work as labourers; the children of nature are not

~~E~~ducated to other toil than that necessary to obtain food, ~~and~~ the hunting of kangaroo and other wild animals is to them labour, whereas it is considered as a mere sport by the emigrants. Little danger is there of any disturbance with the blacks, and still less is it likely that the territory will be invaded by any hostile foreign power. Under these circumstances, the Home Government consider five officers and one hundred and ten privates of Her Majesty's 96th Regiment quite sufficient protection for all Western Australia.

According to the Australian charter lately granted, on presentation of a petition (but to whom it is to be presented does not appear), signed by one-third of the householders in Western Australia, stating that the inhabitants are desirous of having a Legislative Council, the same will be granted; but in that case the colonists will have to charge their revenue with all such parts of the civil expenditure as have hitherto been defrayed by the Parliamentary grants. The Council is to be like those of all the other Australian settlements, composed of one-third of the members nominated by the Crown, and two-thirds elected by the inhabitants. The Councils of each colony have authority to make laws for the peace, welfare, and good government of the respective settlements, provided that no colonial enactment shall be passed that may be repugnant to the laws of England or interfere in any way with the disposal of the Crown land, or the revenue derived therefrom. Certain sums are to be annually set aside for the payment of salaries, &c.; and attached to the bill are schedules for New South Wales, Victoria, South Australia, and Van Diemen's Land; but as the Legislative Council for Western Australia will not be granted until the inhabitants forward the petition, the salaries for the

latter place are not determined. Above the amounts fixed by the Home Government, the funds levied in the colonies will, by the Councils, be appropriated for public purposes. It is necessary for the Governor to propose all money bills, and all payments must be made by warrants under his hand, directed to the public treasurer of the colony. The Councils are to have power to levy duties and to make such provisions as to them may seem meet, for the better administration of justice, by defining the constitution of courts of law, equity, and of juries. It was at first intended that the Councils of the several colonies should send members to a Legislative or General Assembly, but after the bill passed the Commons, constituting the second chamber or upper house, the Lords amended the Act, and each colony is left with one Legislative Council, entirely independent of its neighbour. Had the charter passed, authorising the formation of the General Assembly, the several colonies would not have desired its creation, at all events, Western Australia would not have done so for many years. It was not probable that the Swanites would have required any upper house to have appealed to, because they are not likely to have any misunderstanding with even their nearest neighbours, for the distance between Perth and Adelaide is fully twelve hundred miles. There is very little commerce carried on with the Swan and the neighbouring Australasian settlements; indeed, persons that are desirous of sending letters from Van Diemen's Land to the Swan, not unfrequently transmit them to England to be forwarded back again to Western Australia. The colonists of the neighbouring possessions know little about the Swan River people; they believe them to be a peaceable contented community: persons desirous of residing among such a happy class will find

migrating there well suited to their wishes : as a proof of the tranquillity of the settlement, it may be observed that there are no lawyers to trouble the inhabitants—no, not one ! The “ last man ” of that profession, after dragging on a precarious and miserable existence for some years, excited the compassion of the inhabitants to such a degree that they absolutely subscribed funds to pay the passage money for himself and his family to Hobart Town, where he arrived some three or four years since ; but finding that place already too abundantly supplied with legal roguery, he abandoned the profession in disgust, and proceeded as a settler to the wilds of New Zealand.

SOUTH AUSTRALIA comes next in seniority, the charter bearing date 1835. The colony was proclaimed by Governor Hindmarsh, on the arrival of the first settlers in Holdfast Bay, December 28th, 1836. As its name implies, it is situate on the southern portion of the continent of Australia. The block of land lies between the 132° and 141° east longitude, and extends from the 26th degree south to the Southern Ocean ; it includes Kangaroo and the adjacent islands. It is eight hundred and thirty-four miles in length on the eastern boundary, and four hundred and seventeen on the western, and five hundred and fifty-nine miles in breadth, giving an area of upwards of three hundred square miles, or nearly two hundred millions of acres. The city constitutes a Bishop's see, and there is a dean and chapter for the diocese. There is also a Roman Catholic bishop, whose title is that of Adelaide. The military protection for the territory consists of four officers and sixty-eight full pay privates of Her Majesty's 11th Regiment.

The government of South Australia has, of late, been administered by an Executive and Legislative Council, nominated by the Crown; but the new charter, already referred to, gives an elective form of government. Convicts are not allowed to be landed in the colony; the Act of Parliament, under which the settlement is founded, expressly sets forth that "no person convicted in any court of justice in Great Britain or Ireland, or elsewhere, shall, at any time, or under any circumstances, be transported as a convict within the limits." It had been in contemplation by the Home Government to include South Australia as one of the colonies that should send deputies to the General Assembly. The colonists were much averse to the formation of an hereditary upper house, and held a great public meeting to oppose any such measures; the charter, as already described, passed the Lords without containing the authority for the appointment of the General Assembly*. South Australia is, in every sense,

* The 13 & 14 Victoria, cap. 59, determines the salaries and the expenditure of the following departments. The Legislative Council are to have power to alter the salaries, &c., by Acts of Council; the Governors must be approved of by Her Majesty; and no diminution of the salaries of the Judges can take place so long as those now in office, so continue.

Governor	£.2000
Judge	1000
Salaries of the Advocate-General and Crown Solicitors, and contingent and miscellaneous expenses of the administration of justice throughout the colony	5000
Colonial Secretary's department	2000
Colonial Treasurer's department	1600
Auditor-General's department	1000
Salary of Clerk of Executive Council, and miscellaneous expenses	500
	<hr/>
	£.13,000
	<hr/>

Perfectly independent of the adjacent colonies, nor are there likely to be any disagreements between the people of Adelaide and the inhabitants of the cities of the other dependencies. The boundary line between South Australia and that of Port Phillip is clearly defined, so that no misunderstanding is likely to occur on that account, and there is nothing else that can, by any possibility, interfere with the tranquillity of her rise and progress. The capitals of South Australia and Port Phillip are at a distance from each other of six hundred miles, and the Swan, as already stated, is about twelve hundred from Adelaide. The products of South Australia are chiefly wool and metals, and her markets are to be found in Europe.

About Adelaide the climate much resembles the pure elastic atmosphere of the Mediterranean, but if anything, it is more buoyant and healthful. The heat is not of that dense oppressive description experienced in the hot climates of the north. The hottest months are January and February, when the thermometer generally varies from 80° to 100°; the mornings and the evenings are almost always cool and refreshing. Hot winds sometimes prevail; these are wafted from the north over arid soils, and during their continuance are exceedingly trying to the English constitution. Some writers have stated that the thermometer occasionally rises to an almost incredible height, but from a meteorological register it would appear that the highest temperature in the shade for the last ten years in Adelaide has not exceeded 106° of Fahrenheit, and this was attained only during the prevalence of the hot winds: when these occur, they are invariably succeeded by a plentiful fall of rain, which refreshes exhausted vegetation, and cools the air delightfully. The dry weather is seldom of serious duration, and for the last eight years Adelaide has not

been one month without rain. The winters in the neighbourhood of the capital are very beautiful; there are occasionally white frosts, and ice is sometimes seen in the hill country, but it is considered a curiosity.

The European population, on the 1st January, 1850, amounted to 56,450 souls, the males rather exceeding in number the females. The Aborigines in the occupied districts are rated at 3730, and these people are on good terms with the new settlers. There are migratory tribes, whose number cannot be ascertained; these are of course not included in the official return of the black population.

The imports up to the 1st January 1850, were £599,548, and the exports amounted to £403,167, of which amount £374,155 was for articles the produce of the colony, and £29,011 consisted of goods re-exported. According to the returns of the Customs, made up to the 10th October 1849, the value of the shipments of copper ore was £272,607; pure copper, £14,862; of wool 10,504 bales, or 2,338,040 lbs., valued at £99,137; and wheat and flour no less than £30,545. The revenue derived from customs, licences, fees, &c., amounted in 1849 to £108,301, and the public expenditure during that period to £82,637. This included £3003 interest on the bonded debt, £5000 for unforeseen sundries, and £25,747 for the public works. The actual expenditure for the Government, including judicial and clerical, only amounted to £43,719. During the years from 1845 to 1849 no less a sum than £96,504 has been expended upon the public works. About a million of sheep, and upwards of a hundred thousand head of horned cattle, were depasturing on Crown land on the 1st January, 1850. There are thirty-eight mines already discovered, nearly half of which are being worked: the most profitable hitherto, the Burra Burra, affords employment

for seven hundred workmen ; and in the immediate neighbourhood the town Kooringa, containing a population of four thousand inhabitants, has lately sprung up. Some of the mines are lead and silver, but the greater number are copper : there are also two gold companies for washing the deposits of various streams.

According to the last returns, there are 44,983 acres under cultivation, besides which there are 138,711 acres enclosed. Of all the vast territory, as yet only 557,701 acres have been disposed of ; there are 84,325 surveyed, and 199,022,152 remain unsurveyed, a great portion of which is very slightly timbered, and might be allotted ready for almost immediate occupation and cultivation, if required. As regards emigration, therefore, few places in the world are more propitious or better suited for industrious labourers, either as farming men or as workers in the mines. There were during the year 1849 no less than 16,166 persons arrived in the colony, and yet the present high rates at which labour can with difficulty be procured prevent many undertakings being set on foot that would be most profitable, if labour could only be obtained on reasonable terms : perhaps there is at present more unemployed capital in Adelaide than in any of the other Australasian settlements. Food of all kinds is exceedingly cheap, and fruits of most descriptions are to be had of excellent quality. There is also an abundance of fish to be procured on all parts of the coast, and at times it is sold in Adelaide on very moderate terms. The dairy produce is excellent, and a considerable quantity has been at times exported to the Derwent and Tamar, or, in other words, to Hobart Town and Launceston.

Adelaide, the capital, was so named by desire of his late Majesty William the Fourth, in honour of his Queen.

The city is seven miles inland from the port, or the Gulf of St. Vincent, and the two places contain a population of about twelve thousand souls. Port Adelaide is situate on an inlet in the Gulf; it is a well-sheltered anchorage; and possesses commodious wharfs and stores. Railway companies have been formed; and a colonial bill has been passed by which rail locomotive communication may be had between the port and the city: this cannot be otherwise than exceedingly advantageous to both places. Adelaide itself is built upon two limestone hills, and is divided into the northern and southern portions: between these hills runs the summer stream, the Torrens,—in winter it becomes a perfect torrent. The site of the capital was chosen in consequence of the ample supply of pure water. North Adelaide contains three hundred acres, and the southern division seven hundred; the first is on more elevated ground than the latter, and it rises more abruptly from the river. The south is the most populous; it contains the Governor's House and the various Government offices, the barracks for the troops, &c. There are about twenty churches in South Australia, besides those of the Scotch Presbytery and Roman Catholics, and numerous chapels belonging to other sectaries. A collegiate school has lately been established in the vicinity, besides which there are seminaries of all kinds and descriptions in abundance. There is a Commercial and a Royal Exchange, and there are numerous manufactories; among others, three smelting works; there are several building companies, and two melting down establishments, breweries, coach builders, machine factories, &c., &c., and seven printing offices.

The city comprises one thousand and forty acres, exclusive of twenty-two streets and six public squares: on either side of the Torrens is a reserve or Government domain of

two hundred acres: there is besides, a boulevard of five hundred yards in width, forming a beautiful drive of about seven miles on the outskirts of the city. In the immediate neighbourhood the land is of good but light quality, well calculated for the supplies of vegetables when properly cultivated; and, on the banks of the Torrens, above the town, are some very superior gardens.

When Adelaide was first settled, the colonists obtained their supplies of stock, food, and building materials from New South Wales and Van Diemen's Land, and prices of all articles were at the time exceedingly high. As long, therefore, as there remained funds, the new settlers were excellent customers, but they spent their money too freely. Whilst emigrants continue to arrive with fresh capital in any young settlement, spirit is given to commerce, the money of the new arrivals will purchase of neighbours the necessaries and luxuries of life; but when there is the least pecuniary stagnation, then is felt the necessity of industry and true independence. South Australia was about to be reduced to a lamentable condition, when fortunately in the years 1844-45 the valuable stores of minerals were discovered: such, indeed, was the distress during the year 1841, that the then Governor was under the necessity of drawing on the Home Government, in order to prevent nearly two thousand persons, out of a population of sixteen thousand, from starvation. All colonies suffer more or less subsequently to their first formation; it is after the first settling, and before the inhabitants can effectually supply their own wants, that is the pinching time. The colonists of Southern Australia may be said to have passed the ordeal without any serious suffering; the mines entirely released them from their difficulties, and the present advancement of Adelaide can alone be compared to the speed

of a special train on one of the smooth railroads of the mother country.

PORT PHILLIP, or, as it is henceforth to be designated, VICTORIA, was the last settlement formed on the continent. The colonies of New South Wales, Western and South Australias, were established by the mother country, and during their difficulties were supported with British money. Not so Victoria. This wonderful colony, from its first formation to the present hour, may be said to be independent; at all events, it has never required pecuniary assistance; but on the contrary, during the time it remained a dependency of New South Wales, large sums of money were annually drawn from its revenues, and expended in the elder settlement. Victoria is a colony formed by colonists, by individuals resident in neighbouring countries, who appreciated the numerous advantages that were likely to result from its establishment, and who left other prosperous places for the purpose of there becoming settlers. The present inhabitants are for the greater part composed of persons that have resided some years in Australasia; and the fact of such people selecting one particular spot speaks more forcibly in its favour than whole volumes of printed opinions. Victoria is the legitimate offspring of Van Diemen's Land, for its formation resulted from enterprising colonists of the southern island. As might naturally be expected the Tasmanians are therefore deeply interested in the success of their gigantic infant; and a very considerable number of them possess large tracts of land in the settled and also in the squatty districts of Victoria. In 1803 Colonel Collins was despatched from England with a fleet of transports: his instructions were to form a station

on the southern coast of New Holland. Among other places, he visited Port Phillip, which was subsequently so named in honour of the first Governor-in-chief of New South Wales. Collins, after he had, as he imagined, carefully examined the port, thought it unadvisable to form the settlement there, merely because a supply of fresh water could not be procured. Captain Cook passed the heads of Port Jackson, little dreaming that within those precipitous cliffs was to be found one of the finest harbours in the world. So it would appear that Collins and the parties he sent to explore the coast must, in like manner, have unwittingly passed the entrances of rivers without suspecting that there were any that emptied themselves into the bay. The fleet remained some time in Port Phillip, and whilst there several convicts contrived to get away from the guards, and it was generally supposed they were either starved in the bush, or else destroyed by the natives. Three lads were among the number that so escaped ; two, after suffering great privations, returned to the temporary camp, and delivered themselves up ; the other, named Buckley, fell in with a tribe of natives, who at first were inclined to kill him, but the " gins " interceding in his behalf, his life was spared, and he was taken by them some distance into the interior, and brought up as one of their own family, engaging in all their duties, and when growing into manhood rendering himself a dextrous warrior. Buckley, three and thirty years after the departure of the fleet, was found domiciled among the Aborigines. He was induced to leave his savage state and went to Van Diemen's Land, where he married, but he frequently expressed a desire to resume the bush life of the Aborigines ; indeed, there is every reason to believe that he would have done so, had he been certain of falling in with the same tribe to which he had formerly belonged. When Buckley was first seen by the Van Die-

men's Land settlers, he somewhat surprised them ; the man is of gigantic stature ; his hair having been allowed to grow in full luxuriance, and, wearing the same dress and being armed with the same weapons as the natives, he might well be called the wild man of the woods.

From the first establishment of Van Diemen's Land as a tributary of New South Wales, numbers of runaway convicts, and seamen who had abandoned their vessels, carried on a profitable sealing trade in Bass's Straits, and from time to time these people entered the bay of Port Phillip, in pursuit of their vocation ; whaling vessels also requiring shelter during the heavy south-west gales so frequent in those straits, put in there for protection. The people who thus visited the place reported to the colonists of Van Diemen's Land, that the land in some parts of the bay was apparently of a superior description. When in 1835, wool had advanced in value, and stock was consequently high in price, the sheep farmers were anxious to extend their sheep walks, but orders from home had been received, by which lands were in future to be sold, not given as heretofore, and the minimum price was fixed at too high a rate for colonial purchasers. In those times there were no depasturing licences granted, and the Government servants were actively occupied in some parts of the island in impounding all cattle and sheep that were found on Crown land. About this time a settler of the Launceston side, named Batman, who had been employed by the Government in capturing the natives, thought he might make the Sydney blacks useful in opening a communication with the Aborigines of Port Phillip, who were then supposed to be very inimical to the whites. The Sydney natives had been employed in tracking out the Aborigines of Van Diemen's Land, in order to secure their capture. Mr. Batman proceeded with these men to Port Phillip, in May 1835, had several friendly interviews

with various tribes, and bought of them a large tract of country, the deed of conveyance being signed or marked by six natives, and witnessed by three Europeans*. Mr.

* The following is a copy of the original treaty made between the Geelong Chiefs and Mr. Batman. The land in the neighbourhood of Melbourne was subsequently conveyed under a similar document :—

“ KNOW ALL MEN, that we three brothers, Jaga Jaga, Jaga Jaga, Jaga Jaga, being the principal chiefs, and also Cooloolook, Bungarie, Yanyan, Moowhip, and Mommarmalar, being the chiefs of a certain tribe called Dutigallar, situate at and near Port Phillip, called by us, the above mentioned chiefs, Iramoo and Geelong, being possessed of the tract of land hereinafter mentioned, for and in consideration of twenty pair of blankets, thirty knives, twelve tomahawks, ten looking glasses, twelve pair of scissors, fifty handkerchiefs, twelve red shirts, four flannel jackets, four suits of clothes, and fifty pounds of flour, delivered to us by John Batman, residing in Van Diemen's Land, Esquire, but at present sojourning with us and our tribe, do, for ourselves, our heirs, and successors, give, grant, enfeoff, and confirm unto the said John Batman, his heirs and assigns, all that tract of country situate and being in the bay of Port Phillip, known by the name of Indented Head, but called by us Geelong, extending across from Geelong Harbour, about due south for ten miles, more or less, to the head of Port Phillip, taking in the whole neck or tract of land, containing about one hundred thousand acres, as the same hath been before the execution of these presents delineated and marked out by us, according to the custom of our tribe, by certain marks made upon the trees growing along the boundaries of the said tract of land, with all advantages belonging thereto unto and to the use of the said John Batman, his heirs and assigns, to the meaning and intent that the said John Batman, his heirs and assigns, may occupy and possess the said tract of land, and place thereon sheep and cattle, yielding and delivering to us, and our heirs and successors, the yearly rent or tribute of fifty pair of blankets, fifty knives, fifty tomahawks, fifty pair of scissors, fifty looking glasses, twenty suits of alops or clothing, and two tons of flour. In witness whereof we, Jaga Jaga, Jaga Jaga, Jaga Jaga, the three principal chiefs, and also Cooloolook, Bungarie, Yanyan, Moowhip, and Mommarmalar, the chiefs of the said tribe, have hereunto affixed our seals to these presents,

Batman immediately corresponded with the Government of Van Diemen's Land, and recommended that the country should be attached to the territory of that colony. Nothing like a settlement was made at the port until an enterprising colonist, named Gellibrand, went over. On his return, he spoke so favourably of the advantages likely to be derived from occupying the land as sheep stations, that a company was formed in Hobart Town for the express purpose of sending sheep there, consequently, large flocks were almost

and have signed the same. Dated according to the Christian era, this sixth day of June, 1835.

"Signed, sealed, and delivered in presence of us, the same having been fully and properly interpreted and explained to the said chiefs.

" JOHN BATMAN,
 " JAMES GUMM,
 " WM. TODD,

" JAGA JAGA, his x mark.
 " JAGA JAGA, his x mark.
 " JAGA JAGA, his x mark.
 " COOLOOLOOK, his x mark.
 " BUNGARIE, his x mark.
 " YANYAN, his x mark.
 " MOMARMALAR, his x mark.

BE IT REMEMBERED, that on the day and year within written, possession and delivery of the tract of land within mentioned, was made by the within-named Jaga Jaga, Jaga Jaga, Jaga Jaga, Cooloolook, Bungarie, Yanyan, Momarmallar, and Moowhip, chiefs of the tribes of natives, called Dutigallar and Geelong, to the within named John Batman, by the said chiefs taking up part of the soil and delivering the same to the said John Batman in the name of the whole.

" JAGA JAGA, his x mark.
 " JAGA JAGA, his x mark.
 " JAGA JAGA, his x mark.
 " COOLOOLOOK, his x mark.
 " BUNGARIE, his x mark.
 " YANYAN, his x mark.
 " MOOWHIP, his x mark.
 " MOMARMALAR, his x mark."

immediately shipped and landed with various success. These parties, if they were not the actual discoverers, were at all events the first people who converted the extensive wastes into valuable sheep walks. Having through the means of Buckley purchased additional large tracts of land from the natives, they partitioned the country among themselves. They had, it is true, no right, according to English law, to any possession, consequently others, residing in Van Diemen's Land, learning how well adapted the place was for sheep farming, followed their example, and before long a whole tribe of settlers poured down with their flocks and herds from the north or New South Wales, and established numerous stations; the original squatters from Van Diemen's Land claimed the right they had purchased of the Aborigines, and they urged their claims upon the Home Government, and endeavoured to obtain privileges under charter; but the loss of Mr. Gellibrand, who was the chief mover, damped the ardour of the applicants, their right was not recognised, and the British Government virtually took possession of the whole of the country, allowing the holders of stations, under certain restrictions, whether original squatters or otherwise, to settle down quietly in the occupation of those portions in which it had been customary for them to feed their flocks.

Geelong was the first settlement fixed upon, but was almost immediately succeeded by Melbourne; so rapid was the progress of both these thriving places, that it remained for some time doubtful which would take the lead. Melbourne is however now the capital, and it is the see of a Protestant bishop. There is also a Roman Catholic bishop, and there are ministers of various denominations.

So connected with the early history of these places are

the names of Gellibrand and Hesse, that it may be as well to say a few words relating to the loss of these respected colonists. Both gentlemen were barristers of Van Diemen's Land, and in 1836 they together visited the forming settlements. Being desirous of proceeding by land from Geelong to Melbourne, they left the former township with a stock-keeper (an emancipist), to conduct them through the bush. The man made his appearance at Melbourne, and reported that a difference of opinion had existed between Mr. Gellibrand and himself as to the track they should take, and that he, persisting he was right, had left the gentlemen to pursue their own course : since then they have never been heard of. Whatever their fate may have been remains clouded in mystery, nothing like satisfactory proof having ever been adduced as to the manner in which they came by their death,—if they are dead. Their horses were never afterwards seen, nor were their weapons of defence or any part of their clothing ever found ; nothing, in fact, has been heard respecting them, excepting idle tales of stock-keepers and natives, who have occasionally invented stories to suit their own interests. Over and over again has the writer of these pages listened to these various satisfactory proofs, as they were said to be, but none are deserving credence. It is possible, although not probable, that some of the roving tribes may have fallen in with them, and carried them away, as was the case with Buckley, far into the country. Some of the tribes of the interior at times migrate from place to place forming extensive circuits, occupying many years in accomplishing. Mr. Gellibrand was accustomed to the bush, and had on a former occasion for some days almost lived upon the nutritious root, '*Mernong*,' or native parsnip, of which there is great plenty in most parts of Port Phillip. As to Mr. Hesse, he

was assuredly about as ill adapted for bush travelling as any one could possibly be. Several parties left Van Diemen's Land for the purpose of scouring the country, in order, if possible, to find traces of these unfortunate individuals, but all exertions were unsuccessful.

Victoria, known as Australia Felix, is bounded on the north and north-east by a straight line drawn from Cape How to the nearest source of the Murray River; on the west by the eastern boundary of South Australia, or the 141° of east longitude, from the River Murray to the sea coast, and along the coast, including the adjacent islands, to Cape How. The area contains 98,000 square miles, or 62,720,000 of acres. It has upwards of 700 miles frontage on the coast, and the territory includes 'Australia Felix' and 'Gipps' Land.' The bay of Port Phillip has a narrow entrance; it contains an area of 875 square miles, and varies from twenty to sixty miles from east to west, and extends northward thirty-five miles, and includes Hobson's Bay, in which is situated Williams Town, off which is the usual place of anchorage for large vessels trading with Melbourne. Portland Bay is on the western extremity of the coast, near the boundary line dividing South Australia from Victoria. Western Port is to the eastward of Port Phillip, and it obtained its name from being a place of shelter westward of Cape How. There are numerous rivers, the principal one the Murray; but, generally speaking, there is in the whole country a lack of small refreshing streams so frequently to be met with in Van Diemen's Land and in New Zealand. The land for the greater part is bare of timber, consisting of vast open plains, in which, without any clearing, the plough may be driven; the pasture is of very superior order, and grows most luxuriantly, and it is remarkable for the condi-

tion in which it keeps the live stock. The climate is not nearly so hot as that experienced in South Australia, nor is it so stifling as that of New South Wales ; but, nevertheless, during the hot winds the atmosphere is exceedingly oppressive. The mornings and evenings are generally, even in the hottest season, cool and refreshing. The last census was taken 31st December, 1846, and the return of the population then given was 32,879 souls, of which 19,916 were males and 12,690 females, besides 268 male and five female prisoners : for the year 1849, the value of the imports amounted to £.479,831, and the exports to £.755,326, of which there was 14,567,005 lbs. of wool, valued at £.574,594 ; and of tallow from the boiling down establishments £.100,261. Victoria, the reader must bear in mind, was until lately a mere dependency of New South Wales, and therefore the returns from Port Phillip were included in those of the elder settlement. Such however has been the rapid advance, that the population may now be fairly reckoned at sixty thousand. Port Phillip, as already observed, till the separation of the two colonies, contributed to the revenue of New South Wales. This appropriation of their money caused extreme jealousy and ill-feeling between the Phillipians and their more powerful neighbours. With justice, the former claimed a right to the expenditure of their own funds, and they murmured grievously at their affairs being managed by a distant people, who cared little about their interests. Repeated complaints and petitions were forwarded to the Home Government, but the delays were construed by the inhabitants to mean refusals to grant them redress. The Phillipians were privileged to return representatives for their districts and their city to the Legislative Council, which held its sitting in Sydney ; but what could their few members effect when opposed by

so many whose interests were adverse to their own? During the heat of their wrath, it became necessary for the Phillipians to elect a representative for their capital, when, instead of returning one of their own colonists, they proposed and seconded, and elected, without one dissentient voice, the Right Hon. Earl Grey, Her Majesty's Secretary of State for the Colonies; and when the time arrived to return the district members, they refused to send any. The Home Government, however, finally not only listened to, but attended to the complaints; and it may be chiefly attributable to the determined stand of the Phillipians, that the lately passed Australian bill was brought forward. The nature of the enactment has been described when treating of Western Australia. It is not impossible, though not very probable, that the inhabitants of Victoria may pick a quarrel with their neighbours of New South Wales, and that the Phillipian and the Sydney people may at no distant date desire the formation of a General Assembly in order to settle their disputes. The chances are, however, that the Sydney people, although envious of the rising prosperity of their former dependency, will soon forget that Port Phillip was ever a district of theirs, and the Phillipians will be too much occupied to care about ripping up the old grievance, even were they to have the power to resent their past wrongs.

Geelong is the capital town of the county of Grant; it is situated on the left of the entrance of Port Phillip, and one end of the town rests on the cliff of Caraio or Corio Bay. There is a narrow bar at the entrance, but within it is a well-sheltered anchorage. Geelong is rapidly advancing, and in a few years must, from its advantageous position, become a very important station. The town is well laid out, and amply supplied with water. The description of

the rise and present state of Melbourne may likewise be applied to Geelong, as, with the exception of localities, the two rival towns are similar in every respect. There are other townships deserving of mention, in consequence of the rapid strides they are making. Portland, in the bay of that name, is now of considerable importance ; for very many years whaling stations have been established in the neighbourhood. In the year 1836 persons interested, endeavoured to obtain from the British Government a grant of the land about the bay, so as to form a company, but the application was refused. The soil is of excellent quality, and there are large quantities of sheep and cattle running in the neighbourhood. Port Albert, distant from Launceston in Van Diemen's Land only 143 miles, has now many vessels employed in the live cattle and sheep trade, large quantities of which are exported to Van Diemen's Land and other places as articles of food. Port Fairy is a small, but not by any means a safe harbour; the settlement in some degree rivals Port Albert. The land, if not in the immediate neighbourhood of both these ports, at no great distance from them, is of very superior quality, and more particularly adapted for the production of fine cattle. Live stock, hides, and tallow, will for some time form their principal exports. Emigrants desirous of placing themselves on good stations near water carriage, will do well to set themselves down at either place.

Melbourne, the capital, (according to a petition of the citizens to Her Majesty, dated June 1850,) contains no less than 20,000 souls ; the city is on the Yarra Yarra River, and is distant about eight miles from Williams Town, as described, the place of anchorage for the larger traders. The river is navigable for craft of about 150 tons, or such as draw little water, as far up as the city, where there are excellent

wharfs, just above which, the river is dammed up, so as to supply the town more plentifully with fresh water ; there is a tide in the river, which rises six or seven feet, and it reaches as high as the dam in question. Melbourne is built on a very gentle rising ground, sloping towards the Yarra Yarra. The streets are all laid out at right angles, and are unquestionably on too large a scale ; thus the more important blocks have, what were intended to be, passages or back entrances ; these latter, as land became more valuable, were converted into streets, and are in some parts closely built upon. Thus, for instance, there is Collins Street, a noble open thoroughfare, and parallel therewith is a narrow lane, called Little Collins Street, scarcely so wide as Cornhill, in the City of London. The buildings of Melbourne, are generally of brick, stuccoed, but such has been the speed required to fit the erections for dwellings, that a great number remain in an unfinished state, merely for want of workmen to complete them. Among the public edifices, first in architectural importance, is the Bridge of one double arch, spanning the Yarra Yarra, it is well constructed of a stone, peculiarly hard and extremely difficult to work ; this structure, certainly, is highly creditable to the townspeople. Then there are the Churches of Saint Peter, and Saint James,—the Catholic Cathedral ; there are also Independent and Wesleyan Chapels, Grammar Schools, and Infant Schools in great number. There are two elegant buildings belonging to the British Colonial Banking Companies, a Theatre, Horse Bazaar on a very extensive scale, Hospital, Mechanics' Institute, &c., &c. In the vicinity of the city, on the banks of the river, are several boiling down establishments, these are perfect nuisances, and are about to be removed ; last year, 120,000 sheep, and 5545 head of

cattle, were steamed*, producing 27,725 cwt. of tallow ; yet these vast quantities destroyed for their fat, are of little importance, when compared to the amount of stock which, on the 1st of January, 1849, was reckoned at 386,688 horned cattle, and 5,130,277 sheep, and these numbers have been since then, considerably increased ; no one, unless accustomed to the produce of stock in these colonies, can believe what rapid increase attends the breeding : it is almost like doubling the grain of wheat on the squares of the chess-board. Food of all kinds is very plentiful in Melbourne and Geelong, and is to be obtained at very low prices ; labour is exceedingly dear. More industrious places than Melbourne and Geelong, cannot be pointed out on the face of the globe, nor is there any Colony, that holds out more favourable prospects. The climate healthy and warm, the soil not to be exceeded in fertility, and food at most reasonable rates, whilst nothing is deficient but labour ;—what more can the industrious emigrant require ? There is no danger of over-populating either Adelaide or Port Phillip ; with judicious management either place, would take millions of the superabundant population of the mother country, and in a very short space of time, the greater portion would be, as it were, absorbed in the interior ; and yet these Colonies fifteen years back, were unknown even by name : where now are churches and factories, fifteen years back, were to be found the Emu and Kangaroo. How many thousand human beings have traversed half the globe, to reach these lands of promise, and lands of fulfilment of every hope that a reasonable man had a right to anticipate : could the majority of the London poor

* The steaming process is found to succeed better than the boiling, inasmuch as every particle of fat even from the bones is obtained by means of the steaming.

but even dream of the prospects that are in store for them, were they to emigrate either to Victoria or South Australia, the overgrown metropolis would become rapidly depopulated. To describe faithfully, what these two important settlements are, would require more space than can be permitted in this work. If fifteen past years have accomplished so much in a desert land, what may it not be expected will be the result of fifteen years more, when it becomes fully known in England, that the pioneers have opened the road, and that the cautious enterprising emigrants have nothing more to do than follow in the track, which must lead them to plenty, if not to wealth.

Before leaving Victoria, or rather its capital, Melbourne, it may be observed that it is somewhat remarkable that the people of Adelaide should be establishing a Railroad from their capital to their seaport, distant some eleven miles, and yet that the Phillipians have not commenced one from Melbourne to Williams' Town. As all foreign vessels or those of any size, unload and reload off Williams' Town, a little fleet of small craft is employed in conveying the goods to and from the city. The inhabitants of the port obtain their supply of water from their wells, and, by means of tank-boats from the Yarra Yarra, these latter also furnish the vessels at anchor with water. From the city to Williams' Town may be said to be all but levelled for the rails, and there is only one river "the mountain stream," that would require to be crossed, and this might be effected safely and at trifling expense on a pile bridge. The distance from one place to the other, is only eight miles, and one engine at work and another ready in case of emergency, would be sufficient; besides, a single rail would alone be necessary, the distance being so trifling. From the bridge over the Yarra Yarra, to St. Kilda, Hobson's Bay, op-

posite Williams' Town, is under three miles, over a dead flat, but on that side of the bay, a long bank or shoal runs out a considerable distance, and so shallow is the water, that large boats cannot land passengers; whereas, on the opposite shore, the rails might be laid down alongside wharfs, which could be extended to the deep water, and the trucks might receive or deliver the goods as they were taken from, or lowered into the holds of the vessels. All things considered, few speculations offer better prospects, than would a rail from the port to the capital, because, in addition to the profit that might be derived from the conveyance of goods, water pipes might be laid down between the rails, to supply the inhabitants of Williams' Town and the shipping with fresh water. Gas works might be very advantageously added to the railway establishment; the latter would produce the coke required for the locomotive engines, and the surplus quantity would no doubt sell well to the inhabitants for fuel. Coals are very plentiful at the Schoutens on the eastern coast of Van Diemen's Land, and there are some very superior coal seams at Western Port, and also at Diaper Bay. The Water works to supply Williams' Town and the shipping would unquestionably be very advantageous, but as regards the investment of money, most assuredly few projects appear more profitable than the establishment of a water company, to provide Melbourne with that necessary article. At present the 20,000 inhabitants are dependent almost entirely upon the water carriers who cart to the houses the water from the Yarra Yarra, which they obtain just above the dam on that river. A great portion of the year during the hot weather the streets do most assuredly require cleaning, and before long sewers will no doubt be constructed, nevertheless efficient drainage in such a climate cannot be properly effected unless by a system of cleansing dependent

upon water works. The City surveyor, in his report of last June, says—

“ The establishment of water works as a means to the more perfect drainage of the city, is, therefore, absolutely necessary ; but they would confer social benefits of a still higher class. I believe it possible to supply Melbourne with a superabundant quantity of fine pure water at a comparatively small cost. No efficient scheme of water works could be executed without the expenditure of a large sum of money, probably £.60,000, or even more ; and this, added to the expense of sewers, and the forming, metalling, and channelling the streets, would be *in so small a community as this, out of the question, at least for the present*. It is true that there are many persons in this city who have so keen a sense of the misery resulting from the present state of things and of their duty under it, that they would, cheerfully, submit to the heaviest tax or impost.”

The water of the river is of excellent quality, and by means of an aqueduct or pipes laid a mile or so above the city, the level is such that the inhabitants might be supplied in any quantity without other additional direct cost than the mere purchase of the pipes and laying them down. The colonists have not at present the funds necessary for such a desirable undertaking. The greatest expense in constructing railroads and water courses in England is incurred in the purchasing of rights of way ; but in Melbourne at the present time the privileges of laying down pipes or rails through private property would cost very little compared to the advantages that would be derived were companies established for that purpose. Although however such rights of way may now be obtained on moderate terms, as the value of land in the environs increases, the expense and difficulties will of course become greater.

A subject that has lately occupied the attention of the people in England, is steam communication with the Australian Colonies. The New South Wales people, are of

course very anxious that the line should terminate at their capital, and they advocate that the passage should be through Torres Straits. The General Screw Steam Ship Company's packets, for the conveyance of the mail to the Cape of Good Hope, are now running. It would be advisable to continue the line to the Mauritius; from thence, to King George's Sound, and, after touching at Adelaide, the terminus should be at Geelong or Melbourne: from the latter place, there is land communication with Sydney, and a regular mail established;—or, the steam vessels now trading between Van Diemen's Land, Victoria and New South Wales, might regulate their time of arrival and departure, so as to meet the packets from the Cape. The Mauritius is the connecting link between the East Indies, Australia, and Africa, and frequent communications take place between the different Indian possessions and Port Louis: so that were the steam packets from the Cape, to touch there, India and Australia would be alike benefited. At Albany, in King George's Sound, might be formed a coal depôt, and it is said, there are coals to be had in the immediate neighbourhood. A trifling delay would be occasioned by the route being *via* Port Louis, but the loss of time would be of minor importance, when compared with the very many advantages that would be the certain result. Great stress is by some people laid upon the difficulty of forcing a western passage from Australia to the Cape of Good Hope: and vessels from New South Wales and Van Diemen's Land, almost invariably make the homeward passage by way of Cape Horn. Southward of King George's Sound and the Cape of Good Hope, strong westerly winds generally prevail; but above Cape Leeuwin to the Mauritius during the greater part of the year, the wind is from the south-east. Kirguelen's Land is nearly mid-way between Cape Town and Albany:

and, on the globe, the distance is the same or nearly so between the Cape of Good Hope, in a direct course to King George's Sound, as it is from those places, *viâ* Kirguelen's Land. It might perhaps be advisable for the packets to take advantage of the westerly winds in the passage to Australia, touching at Kirguelen, where there is an excellent harbour, at which place there might be a coal depôt,—and of the south-easterly winds in the passage from the Australian Colonies, by way of the Mauritius: thus the prevailing winds would both ways considerably assist the navigation. From the situation of Kirguelen, it is evident that before many years it will be an important position, and the sooner some kind of a British settlement is made there, the better will it be for the security of the Colonies, in the Indian and Pacific Oceans.

NEW ZEALAND it is true does not properly belong to Australia, yet it is nevertheless the last portion of Australasia that has been selected by the mother country for the purpose of carrying out emigration, and consequently requires notice in this work. Under the title of New Zealand is comprised a group of islands in the Pacific, between $34^{\circ} 25'$ and $47^{\circ} 17'$ south latitude, and between $166^{\circ} 5'$ and $178^{\circ} 35'$ east longitude, containing 80,000 square miles, or about fifty millions of acres. Captain Cook visited New Zealand during the latter part of the last century, but the islands are said to have been discovered by Tasman, in 1642. The group consists of three; the northern, now called New Ulster, is about 520 miles in length, and 140 in its greatest breadth; its figure is very irregular, it contains about 25,000,000 of acres; the settlements are Auckland, the Bay of Islands, Wellington.

Wanganui, and New Plymouth. The centre, or middle island is New Munster, and is about 580 miles long, and from 100 to 160 in breadth, containing about 28,000,000 of acres*; the settlements are Nelson, Cloudy Bay, Akaroa, Otago, and New Canterbury; then there is Stewart's or Southern Island, now called New Leinster, the latter is however of inconsiderable importance, when compared with the others, being only some forty miles in diameter. In speaking of New Zealand, people are apt to consider New Munster as the southern island, in contradistinction to the Northern or New Ulster. The greater portion of New Zealand is mountainous, and the climate well suited to European constitutions; all parts are well watered with lakes and streams, and generally there is an abundant supply of rain. The verdant appearance of the country much resembles that of Ireland, and it may be from this circumstance that the islands have been named after the provinces of the "Green Isle." Auckland is the capital of New Ulster, and it has a Protestant, and a Roman Catholic bishop. The New Zealand Company's charter bears date 1839, but the first body of colonists arrived at Wellington, in January 1840. Missionaries have resided at Hokianga, ever since a first settlement was made in 1814; but these pastors instead of tending to convert the Aborigines, employed themselves chiefly in trade and barter, and in some instances amassed large properties; the principal articles exchanged for native productions by these ministers of peace, were, gunpowder, bullets and muskets. For many years previous to the Company taking possession, a very considerable trade had been carried on between New Zealand and the two elder Australasian Colonies, and a great number of

* See Wood's Tasmanian Royal Kalendar.

convicts escaped from the penal stations, and settled themselves down among the more peaceable tribes.

Just prior to the issuing of the charter to the Company, large tracts of land were disposed of by the chiefs, to persons residing in Sydney and Hobart Town, and considerable payments were actually made to bind the bargains, and in some instances the lands were conveyed in due form by deed, and given into the possession of the purchasers. The Act of Parliament destroyed all such claims, and left the parties who had disposed of their property without any means of obtaining redress or compensation. Thus did a band of speculators at the Antipodes obtain, as far as the legal right, according to the English law, was in question, the whole of the territory, which assuredly belonged either to the Aborigines, or to those individuals to whom they had sold their lands. The speculators however, seemed doomed not to succeed. The Crown could only give that which it possessed: the soil, *de facto*, appertained to the natives themselves, and these refused to admit the right of a distant nation, to give away their property: consequently the Company was obliged to purchase what land was required. The Company has lately, virtually become defunct, and is now winding up its financial affairs, and the Government of New Zealand has reverted to the British nation, by the surrender of the charter.

The public generally know much more respecting New Zealand than most of the younger Australasian settlements. The noble and resolute conduct of Heiki, and the bravery of his warriors, when reading such severe lessons to the British troops, excited surprise and some degree of admiration among the inhabitants of the mother country. These Aborigines are a much more powerful, intelligent, and civilised race of beings than are the natives of Australia, or

than *were* those of Van Diemen's Land. They act in unison one tribe with the other, which was seldom the case with the Aborigines of the neighbouring settlements. They are first-rate tacticians in war, and in bush-fighting cannot be surpassed by the back-woodsmen of America, or the warriors of any other country. The English will not be able to sweep them away as they have done the whole race of Aborigines in Van Diemen's Land, and as they are now exterminating the tribes of Australia; dead men tell no tales, and when the natives become troublesome, whilst seeking for food on the land wrenched from them by the usurpers, a few ounces of lead go a great way in settling all antagonistic claims to the soil. A squatter may discharge his rifle from year to year in the interior of Australia, and none save his own men would hear the report; whole tribes may be shot down, and their carcasses left in the scrub or on the open plains, and their bones may return to their native dust before any Europeans might pass thereby. Well indeed may Dr. Lang, in his "New South Wales," observe that "there is black blood at this moment on the hands of individuals of good repute in New South Wales, and all the waters of New Holland would be insufficient to wash out the deep and indelible stain." The Europeans are not yet of any considerable numerical strength in New Zealand, the whole white population of the settlements not exceeding eighteen thousand; whereas, the Aborigines are very numerous*. Through the instrumentality of the Europeans, the tribes have within the last twenty years been lamentably reduced. Tribes have been instigated to war with each other, and the whites have sold

* Dr. Lang, in his Historical Account of New South Wales, published in 1837, says, the population of the islands is estimated at half a million of souls. See p. 384, vol. i.

to both sides the deadly weapons of destruction. The Home Government and the local authorities will do well to use every exertion to promote tranquillity and make every reasonable concession required by the real owners of the soil. A few years of friendly intercourse may bring the greater number to adopt the customs of Europeans, and a few generations may witness the amalgamation of the dark blood with that of the Europeans ; indeed, the half-castes are at this time of no inconsiderable number in some parts of New Zealand.

The chief productions of the islands are timber and flax, both are prepared by the natives ready for shipment, and these articles are purchased from them either with money or by means of barter. The New Zealand spars are very superior, exceedingly light and tough. The pine being a soft wood, is in that respect so different from those of Van Diemen's Land, that great quantities are at times imported into the latter colony for carpenters' and joiners' work. The flax is of very excellent quality, and is used in the colonies in the manufacture of cordage and other purposes. Vegetable food may be had on very moderate terms, and so may pork, the islands being well stocked with pigs ; these, although now so very numerous, were only introduced by Captain Cook when he first visited New Zealand. The fern root, on which these animals live in their wild state, is everywhere very plentiful, and exceedingly nutritious ; cattle and sheep will also eat it with avidity, and get fat upon it ; sheep do not however thrive so well in New Zealand as in Australia and Van Diemen's Land, the climate being somewhat too humid for them—foot-rot is by no means uncommon ; cattle, on the contrary, do well in almost all parts, but such kinds of stock have not been imported in any considerable quantity until of late years, and, therefore, the

animals are at present too valuable to be killed for general consumption. New Zealand is celebrated for the varieties and abundance of the finest fish—indeed, few parts of the world can produce any equal to those ordinarily eaten. Grain of every description, such as is common in England, produces abundant crops. Fruits of the European kind are raised in great perfection. Potatoes, and all bulbous roots, grow to a large size, and are of excellent quality; in former years, large quantities were exported from New Zealand to the neighbouring colonies, but now the root is generally cultivated at those places. The Australian Charter does not include New Zealand; when the bill was passed, the Governments of the different settlements were under the immediate control of the company, and it is only since the passing of the charter in question that the Colonial office has taken New Zealand under its wing. Dr. Lang, like the writer of these pages, has had long experience in the Australasian settlements; when speaking of the New Zealand colonists, he says, "The land they had purchased was not surveyed, and could not be found, and the company's title, under which the emigrants held their purchases, was disputed by the fierce natives, who were in actual possession. Even when the land was allotted off at last, it was probably up some steep mountain scarcely accessible, or covered so densely with lofty timber, that it would have cost nine or ten pounds an acre to clear it. Besides, nothing had been done in the way of preparation for the reception of the emigrants—they were landed on the beach amid torrents of rain, and left to find a lodging for themselves as they best could in the woods." "A company, established for the promotion of emigration and colonisation may, doubtless, if formed on right principles, and with a thorough knowledge of the country to be

colonised, prove of incalculable benefit to all concerned. But for people who know absolutely nothing either of the colonies in general, or of any one colony in particular, to assume the serious responsibility of getting up a colonising company, merely as a joint-stock speculation in London, and through their own sheer ignorance of everything that is either requisite or proper for such an undertaking, if not from a more exceptionable motive, to entrap unsuspecting and confiding people into an enterprise which absorbs all their means, and perhaps blasts all their hopes, and involves them in ruin—this, I conceive, is so serious an offence, and does such an infinity of harm to the cause of emigration and colonisation generally, that I almost think it ought to be taken cognizance of by the legislature and severely punished.”——(Cooksland, page 243.)

Before leaving New Zealand, it will naturally be expected that some notice should be taken of the new settlement now forming. Canterbury is situate on the eastern coast of the middle island, and includes Banks' Peninsula, a place somewhat celebrated in former years on account of the massacre of "The Marinewie." (See Appendix, B.) The capital of this embryo colony is to be named Lyttelton. This settlement, according to the opinion of many, is being founded merely on theoretical principles, and it consequently remains to be proved what will be the practical result. Theory frequently looks very well on paper, and the beautiful coloured maps of distant lands may appear very interesting to gentlemen sitting at their ease before their parlour fires; but wait, and let us hear what the emigrants have to say on the subject, after all their fairy dreams are faded, and their wealth has vanished. Most of the emigrants now proceeding there are either capitalists, or farming men—so were those of the Swan; at the latter

place the money was soon expended, or rather wasted, and the labourers left the land-holders to farm their own grants if they so pleased ; and it is much to be feared that such will be the result with the Canterbury speculators. The now forming settlement does not appear to offer any inducements why it should be selected in preference to the other older colonies of New Zealand. Had half the money expended on the formation of Canterbury, been employed in defraying the cost of the migration of some poor families to a settled colony, some practical good would have been the certain result ; whereas, in the opinion of many, the termination of the Canterbury mania is very doubtful—whilst it would appear others have no doubt whatever but that it must be a complete failure.

New Zealand is known to be subject to earthquakes ; the Aborigines say these happen violently about three times in a century. In 1840, a severe shock was felt, but the consequences were not of any serious nature. In October 1848, the effect of one of these fearful convulsions of nature was truly distressing, the houses shook violently, and the brick buildings were all more or less injured or destroyed, and lives were lost. The shocks then experienced were so strong that the furniture of the dwellings was "*jerked*" about the rooms, and it was with difficulty that during their continuance a man could stand upon his legs.

CHAPTER IV.

EMIGRATION—COCKATOO GAOL BIRDS—OPPOSITION TO THE CONVICT SYSTEM—REASONS WHY IT IS DESIRABLE THAT EMIGRATION SHOULD BE CONDUCTED EXTENSIVELY—WEALTHY EMIGRANTS—THE POOR—EDUCATION IN THE COLONIES—EVILS OF THE PRESENT EMIGRATION SYSTEM—DIFFERENT PLANS—A SQUATTER'S LIFE—NATIVES IN THE BUSH.

Most persons are aware that convicts were formerly transported to New South Wales, but in the year 1839 the old system was abolished, and after that period exiles from Pentonville, and other English penitentiaries, were forwarded until 1843. From the formation of the colony to that time the total number of convicts transported to Sydney was 54,583, of which 47,092 were males, and 7491 were females. Transportation terminated in consequence of the numerous petitions forwarded to Her Majesty from the colonists, praying that no more prisoners should be sent. In March 1846, the returns give 9653 males, and 902 females, or the total number of prisoners in New South Wales 10,555. At the end of 1848, the number that became liberated amounted to 6500—leaving, say, 4000 still undergoing their sentences; the 4000, according to the penal regulations, would become freed at the expiration of the present year. All the females have long since been cast upon society, possessing colonial indulgences of some kind or other; and of the males very few, if any, can be in assign-

ment. Those in the Government employ are stationed on a barren rock called Cockatoo Island, distant some few miles from the city towards the Paramatta River. These men must be the very *élite* of unhung rascals, "masters of arts" and "professors" of villainy. If there be at the station one convict under punishment that has not received some half dozen sentences in the colony, he is improperly detained there, for all that could be liberated have long since obtained their indulgences of partial freedom. There can only be a few hundred remaining, because there is not room for many more on the island. Malefactors now convicted of crimes in New South Wales are transported to the cesspool of convictism—Van Diemen's Land: so that the Cockatoos are, in fact, the old gaol-birds of New South Wales. Several years past instructions were forwarded from home to do away with the station altogether, and remove the convicts to Van Diemen's Land: but the islanders thought this rather too bad; they therefore protested most manfully, and to pacify them, their Governor, Sir William Denison, promised to wait further instructions from the home authorities. In the meantime the worst of the convicts, or those deserving more particular punishment, have been forwarded to Norfolk Island, and from thence their destination has been Van Diemen's Land. Hyde Park barracks, formerly the convict dépôt of Sydney, or rather a small portion of the pile of buildings, has very properly been converted into a receptacle for the newly-arrived free emigrants that have reached the colony under the Government regulations. There are, however, some remains of the former convict establishments, in the persons of a principal superintendent of convicts and a few subordinate officers. During the year 1848 some of the colonists got up meetings and forwarded petitions to the

home authorities, praying that transportation might be resumed : and those in office were willing to take advantage of this request, and intimated to the Governor of New South Wales that a few cargoes of " exiles " might be expected to arrive. The Sydney people were in a perfect tumult on hearing of this intelligence ; meetings of all kinds were called, and protests entered against any re-introduction of convicts under any condition, or under any designation, or any circumstances whatever. Intelligence having reached England of the reception the prisoners had met with at the Cape of Good Hope, it induced the home Government to direct the destination of the transport vessels to be altered, and the prisoners that were intended for the Cape and those that were for Sydney, were all sent to the ill-used and unfortunate Van Diemen's Land. Some of the Moreton Bay people having petitioned in favour of transportation, a few cargoes of exiles are now being forwarded there. The fact is, the settlers in that district are greatly in want of labourers, and as they cannot obtain an adequate supply of free men, they are willing even to take convicts. Moreton Bay is however ill adapted for the purpose of carrying out prison discipline, if by the discipline either example to others, or punishment to the offender is intended. It is on the eastern coast of New South Wales, and only some four hundred miles from Sydney, and to prevent prisoners escaping to the southern districts would be almost impossible ; therefore, all things considered, it is not likely that the system of transportation will be continued under any form for very much longer ; so that as regards New South Wales, she may be ranked among the other free Australian settlements. Some may think that the odour of convictism will still attach, and that in this respect New South Wales is not equal in

purity to some of her neighbours ; but then it should be remembered that there are in every one of the settlements very great numbers of emancipists, and men possessing conditional pardons for the colonies. It is, according to their charters, expressly laid down that no transported offenders undergoing their sentences, shall be forwarded either to South Australia or to New Zealand. In Adelaide there are however very many emancipists ; and as to New Zealand, the most thriving settlements had their origin from the worst of men—namely, runaway convicts. It is therefore idle for any one of the Australasian colonies to pretend to claim pure descent (Canterbury only excepted), for it will be found, to use a common expression, that they are more or less all “tar’d with the same brush ;” and probably, before long, the merinos of New Canterbury will discover that a little tar brand would have been somewhat to their advantage.

Unfortunately, far more attention has been paid to the migration of convicts than to that of the industrious poor. The transport ships are, even to this very day, far more efficiently supplied with stores than are those of the emigrants ; care is also taken of the education of the prisoners during their passage, and on arrival they can remain just as long as they may think proper in comfortable dwellings, eating the bread of idleness at the expense of the British nation. When “exiles” land in the colonies, they are as free as the free-born native youths, and the discipline they have to undergo to prepare them as “exiles,” has, by practical experience, proved to have been the very worst that could possibly be given. If the present system of transportation be continued, free migration must be carried on to an almost unlimited extent ; otherwise the poor will become aspirants for transportation, or migration through

the means of crime. The lower orders are beginning to find that it is advisable to leave an over-populated country where food is scarce; and reason tells them to prefer countries wherein plenty, if not wealth, can be obtained on the most easy terms. Migrate the poor will, and the starving must be assisted in finding other homes, or they will become burthens on the country, either in the workhouses or in the gaols; and, if no other means can accomplish the desired end of obtaining food, felony will do so. The disgrace of transportation and the dread of imprisonment in the experimental discipline gaols, are losing their terrors, and neither the one nor the other will be preventives of crime, when crime can procure the comforts and luxuries that are to be obtained from transportation to the Australian settlements. The English nation, therefore, *must* find means of transporting the surplus population before crime be perpetrated, or the expense of educating the aspirants for migration will be more than the nation can bear.

It is, indeed, a difficult task to suggest any plan that would be advisable for the Government to adopt to promote the emigration of the superabundant population. Some have proposed that the parishes should be allowed to recommend free passages to be given by the Government to all able-bodied paupers; but were this permitted, the idle characters would be the first applicants, and the worthless would be assisted to emigrate to the colonies, in order to relieve the parishes of those who would be likely to become a burthen on their funds. If, on the other hand, an authorised colonial agent were allowed to select the applicants, then he naturally would only choose the hard-working and industrious,—just, in fact, such characters as the parish officers would not be anxious to part with. The poor labourer, however, whether pauper or not, has no right to

be sent from his native country as an emigrant, unless with his free consent; if it were otherwise, it would be placing him in a worse position than the convict, who is transported against his will. Probably, the better plan would be to allow all such persons as might desire to emigrate to send in their applications to the parish authorities six months prior to selections being made; that during that period the applicants should be required to pay some trifling weekly instalments, saved from their own earnings, or supplied by those friends desirous of serving them. That when the time for selection arrived, accredited colonial agents, approved by the Home Government, should be allowed to select such as were eligible, and the parish empowered to make up whatever deficiency of funds there might be between the savings of the applicants and the sum required by the Government for the expense of passage. The price named by the Government for the emigrant to pay is very considerable, for five or six pounds to a poor labouring man is a little fortune, which it is totally out of his power to raise. The plan proposed would probably prevent the idle from applying: and their own agent would insure the colonists from being inundated with worthless characters; and as, in fact, the colonists defray the expenses of emigration, they certainly ought to have a right to select such labourers as will best suit them. It may be said, where are the funds to come from?—and in return, it may be asked, whether it would not be practicable to allow parishes to borrow money for that purpose, the same to be payable by instalments out of the poor rates; or perhaps an annual grant from Parliament might be advisable, by which the English nation should give £.50 for every £.100 raised by the sale of lands in the colonies. True it is, that the colonists are wanting a labouring popu-

lation ; yet, on the other hand, Great Britain is desirous of being relieved of her superabundant number of that class of persons.

As it has been observed, when speaking of migration to South Australia and Victoria, the continent of New Holland would absorb millions ; nay, there is sufficient expanse of country to take the whole surplus population of Europe for many centuries ; and it would certainly be more accordant with reason to transport the industrious poor, rather than offer a reward for crime by preparing idle convicts as emigrants ; and, as far as the welfare of the colonies is in question, there can be no doubt which class of persons would be most beneficial.

Regarding the emigration of the upper classes many things are required to be taken into consideration. The intention of all persons when leaving their native country is to benefit themselves in a pecuniary point of view, or else for the purpose of more amply enjoying the comforts of life. Gentlemen possessing large properties are not inclined to migrate, although they frequently recommend the adoption of such a course to others. A man with a circumscribed capital looks very cautiously on migration—he is fearful lest he may lose that which he possesses.

Formerly, land was given in quantities proportionate to the amount of money that a settler arrived with in the colonies ; this was sufficient stimulus to urge many small capitalists to migrate, and on their arriving, they had locations parcelled out to them, and their own money they expended in cultivating their grants ; the capital of the colonies was thus increased by emigration ; but the system was altered, and lands selling in the settlements, had the effect of abstracting wealth, and too frequently the purchase-money was sent to England, and employed in forwarding

a useless description of persons, who soon after their arrival became directly or indirectly burthens on the colony.

Capitalists are much wanted in all the Australasian colonies, but men of enterprise with money are the most desirable. A person arriving with capital may soon lay out his cash in far more profitable speculations than in money-dealing; and if it were not so, there would indeed be poor prospects for the English banking establishments. The usual rate of interest is eight per cent., so that when merchants and dealers discount bills they lose so much of the profits; it, therefore, follows that unless the returns of the traders were very considerably more than that per centage, it would be impossible for them to keep their country houses and their carriages. Generally speaking, capitalists on their arrival do not start in business, but prefer speculating in money, or in stock, or in land; the consequence is, that there are very few wealthy store-keepers—on the contrary, the shopkeepers are usually without capital, but standing well as to their honourable payments, the merchants sell to them on long credit. When bills are drawn, the eight per cent. interest which must be added, of course does not include insurance for the risk of non-payment—so a considerable sum must be charged by way of *del credere*. If, however, the store-keeper or dealer has money at command wherewith he can purchase the articles he requires, the interest and the *del credere* may be considered as profit that he makes. An enterprising man, therefore, with capital can have little or nothing to fear when investing his cash in trade; for if the shopkeeper can maintain his standing without capital, what may not be effected by the dealer possessing money?

Persons having limited incomes cannot do better than live in the healthy colonies of Australasia; all the prin-

cipal cities have amusements very similar to those of the towns in England; rents are very moderate, and there are no such things known as Queen's taxes, Excise, or poor-rates; fuel, which is very cheap, is in most places seldom wanted, except for cooking purposes; food can be had of a quality quite equal to any produceable in England, and at prices very much below what are there chargeable,—and the little clothing required may be obtained of English make, or of colonial cut and fashion at very nearly London charges. Are not all these advantages sufficient inducements to make the owner of a limited income prefer the colonies? One hundred pounds in either of the settlements, will keep an establishment in a similar style to that which in England would require two or three hundred. There are few people drawing regular limited incomes but what reside in the environs of the towns, or in the interior, and all such persons, if only by way of amusement, become farmers on a small scale; thus every one has a few acres of land under cultivation—keeps a milking cow or two—has pigs and poultry; and although the proceeds of such little farming establishments might not realise sufficient for the maintenance of their owners, were the articles to be sold in the market, still it is astonishing how the production of such things, when made use of as supplies, will reduce the necessary cash expenditure. In migrating, much depends upon the circumstances of the parties, not only as regards their pecuniary means, but whether or not there are families. A newly-married couple may turn squatters, and before any young ones grow up, they may have means sufficient to leave their stations, or at all events be enabled to provide their children with education at the towns or cities. No one would recommend parents with daughters in their teens to become squatters, nor would it be reasonable to take into

the interior a number of young children to be educated. If settlers find it to their interests to station themselves miles distant from other inhabitants, they must not murmur at the want of society; so if they choose to take their children into the unsettled districts, they have no right to complain that the nearest clergyman—who perhaps lives some fifty miles off—seldom, if ever, comes near to give them godly advice, and that the schoolmaster is never heard of. Settlers cannot enjoy the advantages of the towns and, at the same time, reap the profits that are to be derived from squatting; yet it is the contents of letters from persons far in the interior that are shown about, that lead to such erroneous conclusions as to the true state of affairs in the Australian colonies.

Great prejudice exists against parents migrating with daughters to Van Diemen's Land; people are apt to fancy that female convicts are necessarily infamous, and that they seek to contaminate all virtue that comes within their reach; such reasoners forget that it was *only one* error or crime that was the actual cause of the banishment, and that there are perhaps some of their own neighbours, that they could name, that equally deserve transportation, although their offences have not brought them to justice; how justly has it been observed, "if every man had his deserts who would escape a whipping?" As far as morality is in question, there are in most crowded towns many quite as likely to poison the youthful mind, as are women who are suffering under sentences awarded by law. Though persons in England may think differently, yet there are few colonies in the world better suited for the education of children than is Van Diemen's Land. Because it is a penal settlement, it does not consequently follow that prisoner servants *must* at all times be employed. The fact is, that

numerous families never have had either female or male convicts in their service, for many prefer employing emigrants. From long experience it becomes very questionable whether children under the tuition of orderly and properly selected convicts are not as well, and, in some instances, even better educated than are those under the management of such free instructors as are generally to be obtained in the colony.

To the hard working labouring emigrant it matters little to which settlement he may bend his course, there is employment for him at either ; and as to females, young and industrious, in all the colonies comfortable homes are certain to be obtained. It nevertheless must not be forgotten that it is servants that are required—dairy-women, cooks, and housemaids—and not fine ladies who have only been taught to strum piano-fortes and do crotchet-work, and such like idle vanities. Last year, a lady in Sydney, an acquaintance of the writer, advertised for two females, one to take charge of a little girl six years old, the other was required to be a plain cook ; for the first there were numerous applications, the house was literally besieged with those that appeared to be respectable, and who were unquestionably accomplished females ; some offered to take the situation for their board and clothing, and others actually were willing to accept the place for food and shelter ; yet whilst so many presented themselves for the educational department, not one applied for the cook's place—there were, in fact, none of that class to be had. During last year, cargoes of female emigrants were arriving, and a very great portion of those from England—whatever they might have been when they left their homes,—certainly when they reached the shore, were useless fine ladies. A female emigrant vessel arrived from Ireland : on a trial for an assault in the

supreme court, some of these girls were called as witnesses, and by the counsel were designated "wild Irish"—wild or not, these coarsely clad lasses, every one of them, obtained situations, whilst the finely flounced ladies could not obtain food, except by the most disreputable means.

In the general management of emigration, the arrangements it would appear are not efficient, and the system is anything but satisfactory to the colonists. One would suppose that the conductors of this important public department would be persons well acquainted with the various settlements, and that the particular description of labourers or servants should be supplied according to the demand at each place—but how strangely are the emigration commissioners deceived, or else unable to carry into operation what is desirable. How often do we find in one particular colony some class of working tradesmen superabundant, and at the same time men of that same description diligently sought after in others. The emigrants, under the Government arrangements, have not the means of procuring their passages to the adjacent settlements, where they could obtain employment: and thus on arrival do useful men frequently remain without work, and become a burthen on the colony wherein they are landed.

When convicts are transported to the penal settlements, the surgeon-superintendent has the entire control and management of the prisoners—the captain of the vessel has the charge of the crew,—and the senior officer has the military guard under his immediate orders. On board emigrant vessels the Government adopt a somewhat similar plan, that is, surgeons are appointed to have charge of the passengers, and these receive, provided they give satisfaction, so much per head for all that are safely delivered in the colonies. Surgeons or medical men are nevertheless

not the proper description of individuals that are required for this important duty; frequently, although perhaps perfect masters of their profession, they are inexperienced in the knowledge of the world,—sometimes they are young men not likely to attend to the morals of the females entrusted to their charge. It is certainly very desirable that a medical officer should be on board every emigrant ship, but the domestic superintendence should be always under the guidance of some experienced married persons, and, when obtainable, those that are acquainted with the colonies to which the vessels are bound, should be selected in preference to all others. Were it notified by the Government, that respectable married couples might receive free passages and a small bonus on all the emigrants that arrive, provided, whilst on board, the husband acted as superintendent of the males, and the wife as matron of the females, there would be many applicants for the situations. If, also, it were generally known, that young married men of the medical profession might, with their wives, receive free passages to the colonies, and a small gratuity on arrival, there is no doubt whatever, but that numerous young married persons of that class would take advantage of the opportunity, with the intention of settling themselves, and practising their profession. At present, the bonus granted by the Government to the surgeon-superintendents is ten shillings per head—a sum of money in all conscience little enough when it is recollected that no homeward passage is allowed, and that each trip out and back generally occupies twelve months. How much better would it be to have the superintendents and the surgeons with their wives on board, and on their arrival let them share equally the present Government gratuity. True, the sum each would receive would be trifling, but as the object of the parties would be to emigrate,

the trifle would be an important item to some of them on arrival, and might assist in giving them a start in life. By this means the purpose of the Government in furthering migration would be amply carried out, by taking from England to the colony four individuals. Generally on board emigrant vessels the surgeon, the commander, and the mates are single men, or if married, are not accompanied by their wives, and if the reader be desirous of learning what are the frequent results, he had better examine the newspapers of the colonies, and assuredly they will afford sufficient evidence to prove, that at all events a captain should never be permitted to have charge of a female emigrant ship, unless accompanied by his own wife. If, as ought to be the case, the superintendent, the surgeon, and the commander were married men and had their wives on board, there would be little danger of profligacy, or even of immorality, because the three married women would act as a check to prevent anything of the kind. Many female emigrant vessels, are allowed to take cabin passengers, and single young men are frequently found to proceed to the colonies by such ships; surely, it scarcely requires to be observed that this practice is objectionable in the extreme.

Serious evils have resulted from the injudicious system of allowing spirit-rations on board of the emigrant vessels; the generality of such passengers have little or no means of employing their time, so to pass away the dreary hours they associate with the sailors, hear their long yarns, and with the lack of occupation, they listlessly and indolently await the joyful moment when it is "made twelve," and the grog is served out; the weather is usually warm, and the taste of the liquor naturally excites a desire for more—and more is frequently to be had somehow or other. On board vessels where spirits are not allowed as rations, the cap-

tains are very commonly mere unlicensed dealers—the stewards the tapsters, and pint after pint is supplied when called for, and paid for ; and when the money of the emigrant is all gone, then little articles of value are disposed of, and the captains cabins ultimately become mere pawn-brokers shops. Under such circumstances, can it be wondered that the utmost licentiousness should prevail, and that immorality should gain ground as the voyage proceeds. Many men, and very many females, may trace their ruin to the issuing of spirituous liquors as rations of emigrant vessels ; and many also have been destroyed by imbibing intoxicating habits on board vessels where no spirits have been provided as rations, but where the captains during the voyage on their own account have carried on the business of publicans. Some have advocated that stimulants are absolutely necessary, and that when served out in small quantities are beneficial, but this question it is totally unnecessary here to discuss ; certain it is, that many emigrants will not consume their rations, yet they do worse, for they barter or sell their portion to others, who, thus having more than they ought under any circumstances to consume, are frequently muddled or intoxicated during the greater part of the voyage. Undoubtedly spirituous liquors may at times be necessary, but on board all emigrants vessels none should be allowed, unless ordered by the medical officer, or superintendent in charge.

According to the present Government emigration regulations, married couples not exceeding forty years of age have the preference ; the husband and wife, and children under eighteen, are not permitted to be separated during the voyage ; single women cannot be taken without their parents, unless they are under the immediate care of some near relative, and single men are not allowed to exceed in

number the unmarried females on board the same ship. The applicant for the free passage must produce certificates of good character, and in order to prevent capitalists from taking advantage of the regulations, one rule specifies that persons intending to become purchasers of land, or investing money in trade, are not allowed their free passage; all the adults must be capable of labour, and be going out to work for wages*.

* Before an embarkation order is issued, the following payments will be required:—

CLASSES.	Scale of Payments.		
	Age.		
	Under 40.	40 and under 50.	50 and upwards.
I. Married Agricultural Labourers, Shepherds, Herdsmen, and their Families; also Female Domestic and Farm Servants—per head	£.2	£.6	£.15
II. Married Country Mechanics, such as Blacksmiths, Bricklayers, Carpenters, Masons, Sawyers, Wheelrights, and Gardeners, and their Families; also, Females of the Working Class, not being Domestic or Farm Servants—per head.....	£.5	£.8	£.15

III. Single men of eighteen years and upwards, of any of the callings specified above, £.1 additional.

No emigrants, whether adults or children, can be accepted unless they have been vaccinated, or have had the small pox. If any family

The usual price at which the contracts with the Government are taken, is about eleven pounds for each adult, infants in arms are not reckoned, and children under fourteen years of age, are rated at half price. If therefore a family contains more than two children under fourteen, each additional child being chargeable five pounds, very little assistance is afforded by the Government in the emigration, because the contractor only receives five pounds ten shillings for every such passenger. As to emigrants above fifty years of age, the Government obtain four pounds *more* than the actual price paid the contractor.

The Government find provisions, medical attendance, and cooking utensils, also mattresses, blankets, counterpanes, &c. &c., which latter articles are given to the emigrants after their arrival in the colony, provided they behave well during the passage. The emigrants must supply themselves with clothing, sheets, &c., and each is allowed twenty cubic-feet for baggage. Besides the emigration carried on under the superintendence of officers more immediately connected with the Government, there are emigrant vessels constantly trading to most of the Australasian settlements; the terms for passage and the food supplied depending on various circumstances*.

contains, at the time of embarkation, more than two children under fourteen years of age, for each such child £.5 additional must be paid.

On arrival in the colony the emigrants will be at perfect liberty to engage themselves to any one willing to employ them, and to make their own bargain for wages. No repayment in service or otherwise is required from them for the passage out. The only return expected is, a strict observance on board of the regulations framed with a view to their health and comfort during the voyage, and general good conduct and industrious habits in the colony.

* The Government finding it desirable to encourage the migration of small capitalists to Van Diemen's Land in particular, have offered

There have been numerous plans suggested to encourage emigration, and among others the Family Colonisation Loan Society is now in active operation. Under this system it is intended to work out a self-supporting emigration; public subscriptions are being raised for the purpose of obtaining funds which shall assist emigrants to the amount of about half their passage money, the remaining portion to be supplied by the parties themselves, or some of their friends. On the arrival in the colony, or as soon after as they can, the emigrants are required to pay over to the agent the money advanced; and this amount is to be remitted to England, to be again employed in forwarding others, under similar conditions. Intending emigrants may pay by instalments their portions of the passage money, which are received in like manner as deposits are by the savings' banks. The passage for each adult is £.12; consequently, about £.6 is provided by the society. For all mechanics above forty the society, therefore, offers better terms than does the Government; and for all exceeding fifty, a saving of nine pounds is effected by application to the loan company. The high rate named by the Government Commissioners for those above fifty years of age, is so fixed in order to prevent the migration of the aged; so far well and good; but elderly persons are not likely to leave their homes unless *with* their children, and the high rate prevents many from emigrating, because they cannot raise the necessary funds required for the old folks; and to leave them behind, in many cases, is totally out of the question. Some individuals do not like to receive Government *bounty*, and yet would

very favourable conditions, but it will be seen under what arrangements this emigration can take place when treating upon the disposal of lands.

not hesitate in *borrowing* money to assist them in the payment of their passage; this is exactly what they effect when they seek assistance from the loan society. Again, another advantage is, that families are grouped together, and the parents have the charge of all those in their mess. Any plan that will tend to increase emigration should be looked upon favourably; the grand object is to assist the deserving to reach the land of plenty, and there are no means of charitably helping our fellow-creatures more effectively than by enabling the poor to migrate to the Australasian settlements.

The disproportion of the sexes in the colonies must be met before the demand will cease for young unmarried females. New Zealand is somewhat differently circumstanced from the other colonies; European females, it is true, are there, much fewer in number than are the males; but then the native population, as it has already been observed, is very considerable, which is not the case in the other colonies. The main object of encouraging female emigration is of course to increase the population; now, it would be folly to send women from England to China for such a purpose,—and to a certain extent, the same remark will apply to New Zealand. It is very true that good wages and comfortable homes may be had for female servants, in most of the New Zealand settlements; but then, if young women have opportunities of doing well there, they have still better prospects held out to them if they emigrate to the adjacent colonies, where there are few native females of prepossessing appearance*. All young women emigrate

* It is by no means uncommon for the New Zealand country settlers to marry according to the custom of the country the native women, many of whom are indeed perfect beauties, although they have dark complexions. The females of the New South Wales

under the hope of bettering their circumstances, of settling themselves by making favourable alliances ; and they do succeed in that respect most surprisingly, and so they will ; —but the class of females required are, as before observed, industrious young women ; for young men that have properties of their own do not often select wives from the fine do-nothing lady passengers of emigrant vessels, who come out unprotected by either parents or brothers, or relations of any kind ;—and young women need not go all the way to the Antipodes merely for the sake of marrying men that are unable to support them. Settlers require no accomplished ladies, but persevering industrious helpmates to assist, wives who can boil the mutton whilst the husbands are looking after the sheep, partners who can render their mud huts clean and comfortable dwellings. Bush life is sadly monotonous, and is ill suited for fine ladies ; it is only adopted by men under the hope that a few years toil will procure wealth sufficient to allow the remainder of life to be spent in comfort. The squatter really is an “ exile,” and many an one would gladly meet with a *bosom* friend who would share his toils and troubles under the same expectations as he himself has of obtaining future wealth.

It may be as well to terminate these pages relating to emigration, by pointing out what is in fact the general routine of life of a squatter, or settler in the far interior. Locations that are “ beyond the boundaries ” are what are called the squatting stations,—that is, this significant term applies to all the territory of New South Wales, from

tribes are not prepossessing in their appearance according to the general European taste, and yet there are many settlers that are as much attached to the black women as others are to those possessing fair skins : and are equally fond of their half-caste children as if they were pure white.

Cape York to Cape How, and as far inland as the 139° of east longitude. Thus does "beyond the boundaries" extend over a tract of land some 2250 miles in length and 1800 in breadth. Over this immense country squatters are allowed to station themselves for a term of years, having in the neighbourhood all around their stations just as much land as they please to run their stock upon. These stations are marked, or rather pricked off on the charts, as near as the squatters can describe the localities. Settlers find it to their interest to take up their positions at considerable distances from each other, in order that their flocks and herds may not run over their neighbours' pastures. There is indeed room enough for all; and were a new hand to place himself alongside an old station, means would soon be taken to drive sheep over the interloper's ground; and thus, leaving him without food for his stock, compel him to remove his quarters to a more respectful distance*. When parties are about to take sheep or cattle into the interior, they first select their ground; sometimes two or three young men will club together, and occupy a station, and attend to all their own drudgery; at other times, a settler will hire men as servants. Having selected the run, and obtained the license, the sheep and cattle are slowly driven towards their place of destination, feeding as they proceed. The usual accompaniment is a bullock dray, with the necessary stores of provisions for twelve months,

* How consonant is the beautiful address of Abram to his nephew, Lot (Gen. xiii., 8 and 9):—"And Abram said unto Lot. Let there be no strife, I pray thee, between me and thee, and between my herdmen and thy herdmen; for we be brethren. Is not the whole land before thee? separate thyself, I pray thee, from me: *if thou wilt, take the left hand, then I will go to the right; or if thou depart to the right hand, then I will go to the left.*"

consisting of flour, sugar, and tea: and in addition some slop clothing, an axe, an American auger, and an iron pot, these being the chief necessities for a squatter's encampment. At night the party bivouac, a fire is lighted, tea, sugar, and water are put in the iron pot, and set on the fire to boil, and a dough-boy or damper is made of flour and water, and baked among the ashes; the bullocks are unyoked to feed, and having satisfied their hunger, lie down with the other cattle; indeed, the whole party are quite ready to retire to rest after the fatigue of the usual day's route. What with the ground passed over, and the constant employment in keeping the sheep or cattle in a direct course, the bushmen have enough to do. In the event of rain, a break-wind is usually set up, consisting of two forked upright sticks, with another cross-wise placed in the croches; resting against this latter to the windward are laid sheets of bark or boughs of trees in a sloping direction, resembling the half pitch of a cottage roof; the rain drips down the covering, and keeps the sleeping-place tolerably dry: some of the party will dispose of themselves under the dray. Before sunrise all are astir collecting the sheep or cattle, which then begin to wander; breakfast of damper and tea, and a little meat of some kind, is the usual repast*; and that finished, away the party proceeds. At mid-day there is usually a halt to rest, and then again the march is continued; and thus do they advance, until the station is reached. A place for the hut is carefully selected,

* According to Mr. R. M. Martin, "two hard-working bushmen will consume forty pounds of meat a-week without difficulty."—(*Australia, or New Holland*, p. 530.) It would appear that Mr. Martin, during his short stay in New South Wales, saw many sights and heard of many wonders that have never come to the knowledge of those who have resided there some score or so of years.

if possible near some creek or water hole; the axe soon makes the clearance, and cuts the requisite wood for building a mud or log hut; sometimes the turf is formed into blocks, and the building made with them as if they were squared stones; at other times, there are posts placed upright, the lower end bedded in the ground at a few feet distance from each other, and the intermediate space filled with twisted wattles* or other pliable shrubs or branches, something like, only on a Brobdignag scale, the common hurdle: then the walls are daubed with mud, and as it dries fresh coatings are given, till at last the face is smoothed with the hand or with a stick; and when whitewashed or otherwise coloured, no one can tell that the building is only mere "wattle and daub." There are, however, many ways of "getting up" the huts; in fact, the "orders" of bush architecture are very numerous. In all domiciles of this kind the chimney is a most important part of the building, and sometimes it is nearly as large as the hut itself. As the cutting of wood is a troublesome occupation, chimnies are sometimes built so as to allow a good sized tree to be passed through on to the fire, openings being left for that express purpose on either side; but this feature appertains more particularly to the primitive "oyster bay order," peculiar to that district in Van Diemen's Land. The walls of the hut being raised, the roof is pitched and pegged, and covered with bark, or rushes, or grass,—just, in fact, with whatever happens to be nearest at hand. The hut finished, the yards are commenced; if for sheep, brush fence serves very well for a time,—but for cattle more substantial work, such as log fencing, is required. A piece of land near the hut is generally enclosed as a garden, and adjoining is a

* The mimosa is usually called the wattle.

paddock or two, in which wheat and maize are usually sown as soon as the squatters can find time to clear the ground. During these operations, the stock is feeding and the wool growing, and the sheep or cattle are increasing. As shearing time approaches the drays are prepared; iron work has been brought expressly to rig up the vehicles required with arms, boxes, and tires, besides bows for the bullock yokes; everything else must be constructed on the spot by the squatters themselves, for there are no shops to go to for assistance, and no neighbours of whom tools can be borrowed. The drays ready, then the sheep are washed and sheared, and the wool packed as tightly as it can be in large sacks. The fattest of the bullocks are selected and yoked,—sometimes a dozen or more to each dray, with its load of wool,—and when all is ready, one of the squatters will proceed, with two or more drivers, on his pilgrimage to a distant sea-port, or some station on one of the navigable rivers. The other members of the settlement continue their occupations as heretofore, expecting perhaps (in some instances in two or three months) to see their companions return. Day after day does the expedition proceed; at last the destination is reached, the wool is sold, the fat bullocks are slaughtered, either by the butcher or for tallow, the drays are disposed of or destroyed with the exception of one of the best, or perhaps two in some instances,—these are loaded with stores, and this time probably a few luxuries are added; the leaner bullocks that were rejected by the butcher are again yoked, and then do all return to the station, and another year passes, and clipping time arrives, and the journey to the port is again performed. The thousand ewes which probably the squatters started with, have in twelve months increased to 1400, besides 300 or 400 wethers, exclusive of those required for food. The stock

thus fast increasing, the run by degrees becomes hemmed in by the neighbouring squatters, and an additional station must be sought for beyond those occupied by the last arrivals. What with the increase of sheep, the sale of the wool, and the fat wethers, and the squatter being unable to spend his money in the bush, he cannot fail to become wealthy,—that is, provided he keeps to his station, and attends to his stock as he ought to do. In taking cattle to market drays are of course not required, excepting a return one for stores for the station. The bullocks are driven to the nearest boiling-down establishment, and the tallow and hides either sold or shipped on account of the squatter. Such is the general routine of bush life.

Some young men will remain years in the interior without ever visiting a settled district, much less a township or city. The low rate at which stock and stations were selling for last year had in some degree checked the squatting fever; because, owing to circumstances, many stations were disposed of at far less than their cost of establishment. Several, including almost unlimited runs, with superior huts, yards, pens, and drays,—in fact, with everything complete,—were sold at under eighteen-pence per head for the grown sheep—the lambs given into the bargain. Cattle stations, with excellent homesteads, superior runs,—with stock horses and yards, and sometimes with rations of twelve months for the establishment,—were also disposed of at public auction at less than twenty shillings per head for the cattle, the calves under six months not being counted. Those who are acquainted with the value of wool will be surprised to learn that the carcass of the squatters' sheep is at times not worth so much as the wool on its back would be, were it at one of the shipping towns. "It's curious, but it's a

fact." For industrious young men who have means to raise a flock or herd, these are the times to migrate and become squatters. It is impossible, unless some extraordinary unforeseen circumstances take place, that sheep can advance much in price. The increase being so rapid, a supply must always be obtainable at reasonable rates, because stations will become overstocked; besides, many settlers will not proceed into the interior,—they are perhaps wealthy, or have families and connexions, and so forth: these individuals, if their runs will only contain 10,000 sheep, must, if they have that quantity, sell the increase; those in good condition the boiling-down establishments will convert into tallow, but the lean breeding ewes are valueless, and if kept alive, would only assist to starve each other. Instead, therefore, of destroying them, the settlers would naturally accept any price the purchasers may please to offer, as whatever they fetch is so much realised. The same remarks that relate to the increase and price of sheep, will of course more or less apply to cattle.

It will very naturally be asked how it was that the stations under such favourable prospects for amassing wealth, came into the market, and sold at such ruinous rates—and this is easily explained: wool having fallen in value, many of the squatters overdrew their accounts with their agents, some left their flocks and herds to the management of their servants—but in the bush, the eye of the master is indeed worth two pair of hands—and during his absence, the servants reap the profit, or the stations are neglected. Some of the squatters had perhaps been "flaring up," that is, squandering their means in the settled districts;—money, in the first instance, was made too rapidly, and in the end, spent too fast. The laws of New

South Wales allow stations and stocks to be mortgaged: the squatters, therefore, through extravagance, had fallen into debt, and mortgaged their properties:—the price of wool continued to fall, and instead of the following clip relieving their embarrassments, it did not realize the advances made upon it when it was shipped. The mortgagees, therefore, finding no prospect of obtaining the interest or the monies advanced, foreclosed, and sold at whatever price could be obtained. The sums raised by the sales, though trifling, went to pay off the debts. As to the mortgagees taking the properties on their own account, it was not very likely for them to do so, unless they intended to become squatters themselves, for it was entirely owing to the mortgagors inattention to, and absence from their stations, that led them into such difficulties. The turned out squatters sought their fortunes elsewhere; being at the bottom of the ladder, they had to climb up again in the best and easiest way they could. The more fortunate purchasers of the stations walked into the huts, and there found everything ready to their hands, and thus what had cost many a man years of toil and attention, was lost to him merely from want of care and perseverance; and the new owner took his place with the advantage of witnessing the effect of a squatter leaving his station to take care of itself.

The Aborigines in the territory of New South Wales are fast dwindling away from the face of the earth; there are occasionally a few miserable specimens to be seen in the streets of Sydney, but *rum* is rapidly decreasing their numbers. In the interior, or beyond the boundaries, the new settler has at times to encounter tribes that have not visited the settled districts; if the squatter acts kindly, these natives will serve him faithfully, but, unfortunately,

too frequently hostilities are commenced by the new comers, and the result is the extermination of the whole tribe—shot down by the rifles of the despoilers. The little work referred to at the commencement of these pages, in speaking of the Aborigines during the year 1788, says, “The natives still avoid all intercourse with our settlement, whether from dislike or from contempt is not perfectly clear; they think perhaps that we cannot teach them anything of sufficient value to make them amends for our encroachments upon their fishing places. They seem to be among themselves perfectly honest, and often leave their spears and other implements upon the beach in full confidence of finding them untouched; but the convicts too frequently carry them off, and dispose of them to parties coming to England.” What the Aborigines then were on the coast, those of the interior are at present. Every tribe in New South Wales has its location, and the boundary lines are as distinctly defined as if regular land marks were placed. When, therefore, the squatters take possession of the hunting grounds, the natives to whom they belong have no land to call their own—no country as they term it to “walk all about,” therefore they are driven to encroach upon the territory of neighbouring tribes, and the very act of doing so, is considered as tantamount to a commencement of hostilities—war frequently follows, and the aggressors are usually driven back to what were, till the squatters arrived, their own proper possessions; then do these poor creatures pursue life as tranquilly as the settlers will allow them; their kangaroo, their opossums are wantonly destroyed, and craving for food, they follow the example of the whites, and kill sheep to supply their hunger; then war is declared by the squatters who, with their men, destroy indiscriminately: and at times these brutes in human shape have recourse to

diabolical means to rid themselves of these inoffensive creatures. Barbarous, indeed, has been the conduct of the settlers of Van Diemen's Land towards their Aborigines, still they were never known to take advantage of the confidence displayed by these simple people as many of the squatters have done in the elder colony. When the natives are on friendly terms they are occasionally rather too free and easy, entering the huts when they think proper, and helping themselves to whatever food may be at hand; this freedom some of the stock-keepers too often terminate by mixing poison in dampers, which are placed so that the natives shall take them away with them when they leave the huts—never more to return. About seven or eight years back, a large tribe of Aborigines were assembled at a feast at a settler's station in the northern district of Moreton Bay, and regaled with a kind of pudding made of maize meal, called "hominy;" the surviving natives described that some white stuff like flour was mixed in the pudding; but whatever the poison may have been, upwards of forty of the poor creatures died of its effects. As the natives cannot stand against the fire-arms of the invaders, they retaliate by destroying cattle and sheep, and sometimes drive away the flocks, leaving their owners to collect them how and when they can.

If the squatters are kind-hearted humane men, the Aborigines live on the best terms with their establishments, they will allow themselves to be treated like servants, and are very trustworthy; the men and boys will act as shepherds, and no kind master to a "black fellow" ever loses sheep; indeed, they make excellent shepherds and stock-men.

The blacks possess a gift of nature, unknown to those dwelling in Europe, and rarely attained by European

bush-men to any great perfection—a native can track a trail by scent or by sight; the hound can only follow the scent, so that when it rises the dog is at fault. Such is their keenness of vision that black shepherds will follow the foot-mark of one of their own flock to that of a neighbour, or at once point out a stray sheep that may have joined those of their masters; shepherds frequently know every animal by its countenance, for there is far greater difference in the faces of sheep than there is in the features of men; so perfectly acquainted are some of the blacks with the characteristics of every one under their charge, that they will at times have a name for each, descriptive of its peculiarities.

The Aborigines of Van Diemen's Land were formerly very acute in following the trail: on one occasion many years back, having a native guide passing us through "Paradise" and over the "Devil's Loins," the man when on the rocky bank of Prossers, suddenly stopped and pointed out on the bare stones the marks as he described of footsteps, and because none of the party could discover any traces he appeared quite angry at first, and then in a little while he laughed; he no doubt thought us all very stupid, till he discovered our ignorance; after examining step after step, he kneeled down, and smelling one or two traces, pronounced them to be the trail of "black fellows," and, as it appeared some hours afterwards, he was perfectly correct. Few persons are perhaps aware that the natives themselves leave little trace of their passing, excepting foot-marks, whereas the passage of a white man through the bush shows a very distinct and easily followed trail. There is no great difficulty in any good bushman tracking a white man, but he will have considerable trouble in pursuing the black. When the Aborigines of Van Diemen's Land in-

tended that their line of route should be known to themselves and others for some time afterwards, or if they were exploring new country, or wished to return by exactly the same track, they proceeded whenever practicable in a direct course, and on passing shrubs at distances from each other, they broke here and there two or three inches of the tip of a bough, about as high from the ground as the elbow, and this little bit of hanging dead twig afterwards served as a kind of finger-post, telling the direction to be taken; this was effected so easily, that few settlers were aware that the natives in strange hunting grounds ever took the precaution.

There are several New South Wales Aborigines on the police establishment in Van Diemen's Land, they are well clothed and paid handsomely; their duties consist in following the trails of the bushrangers; when it is known that prisoners have taken to the bush, the first efforts of the police are to discover where the men have passed, and when anything like a track can be found by one of the natives, he, with an armed party of constables follows it up. If one black only were thus employed, the bushrangers would have the best chance, because it takes longer to follow, than to make a trail: but other natives with armed parties are sent in advance in the direction it is supposed the bushrangers have taken—or sometimes the natives ride and tie; when fatigued, others relieve, and the hunt is continued without intermission. These men usually can tell how many hours the runaways are in advance; harassed by being continually hunted down, there is little or no chance of escape for the fugitives, and by the time the pursuers come up to them they are generally overcome with fatigue; sometimes, but very seldom, a desperate encounter will follow. The employment of the natives for the pur-

pose described has done much to check bushranging, for the convicts at large never know whether they are safe, and when they least expect it they suddenly become captured.

The natives of New South Wales taking them as one class of people, are remarkably indolent, and seldom exert themselves without induced to do so, either from want of food, or some other cause ; they subsist upon all kinds of animals, birds, reptiles, and grubs, and whenever obtainable, fish ; some of the tribes live almost entirely on vegetable productions. The men are usually well formed and muscular, exceeding in height the average of Europeans, the upper portions of their bodies are more filled out than the lower : indeed, their legs and thighs are generally lean, and their toes are turned inward. Their hair is usually allowed to grow to a considerable length, and the beard is cut short—the females are well formed, and of peculiar mild dispositions. The colour of all is dark, but not so black as that of the African negro. Some authors have represented these people as being devoid of intelligence, yet this is far from being the truth, there is a stubbornness about them which strangers mistake for stupidity, they are quick in understanding the English language, and few people are more inclined for fun,—and none can surpass them in ludicrous mimicry.

PRISON DISCIPLINE;
WITH
SUGGESTIONS FOR OBVIATING THE DIFFICULTIES
ATTENDING THE TRANSPORTATION OF CONVICTS,
AND
A DESCRIPTION OF THE PENAL SETTLEMENT
OF
VAN DIEMEN'S LAND.

CHAPTER V.

CONVICTISM—PUBLIC MEETING—COLONISTS HAVE POWER TO UPROOT
THE PRESENT SYSTEM — OLD ASSIGNMENT PLAN — PROBA-
TIONERS—EXILES — INDULGENCES EXPLAINED—COMPTROLLER-
GENERAL'S DEPARTMENT — SHEEP FARMS — SHIP-BUILDING
AND WASHING ESTABLISHMENTS.

THE convict population of Van Diemen's Land has hitherto been under the management of the Lieutenant-Governor and the Executive Council, and in latter years they have received their instructions from the home authorities. The new charter does not make provision for in any way altering the powers of the Executive, nor is there one word in the act respecting either convicts or prison discipline.

The Secretaries of State for the colonies, in consequence of numerous petitions that have been forwarded, have, from time to time, held out to the inhabitants a hope, that transportation before long would altogether be abandoned, so far as their island was in question; and Earl Grey in his instructions to Sir William Denison, dated 30th September, 1846, expressly says, " It is the intention of Her Majesty's Government to stop altogether the transportation to Van Diemen's Land of male convicts, at all events for the space of two years." Four, however, have since then passed, and still the prospects are apparently more gloomy than ever.

Formerly, some of the neighbouring settlements did take some small portion of their share of the transported offenders, whereas, Van Diemen's Land now is not only the receptacle for the convicts of Great Britain, but Bermuda expirées have been conveyed there, and all prisoners receiving sentences of transportation, in any of the British settlements, are forwarded for punishment to unfortunate Van Diemen's Land.

A very important meeting of the colonists took place a few months since in the City of Hobart, when fresh remonstrances were drawn out, and another petition was framed, and addressed to Her Majesty, praying that transportation might be abolished. The Lieutenant-Governor and certain officers of the Government have, by their writing, been endeavouring to support the continuance of the penal system. One of the speakers at the meeting, a gentleman named Gregson, a member of the Legislative Council, thus addressed the audience :—

“ The co-operation of the Government officers we cannot fairly expect. They live by the system—if they have not heads, they have teeth, and must employ them. (Laughter.) I mean no offence; I merely desire to show that they have a direct pecuniary interest in upholding the system. But they are not content with being silent recipients of the public money—they must indulge themselves with writing in the colonial papers, to the prejudice of our interests: they write in defence of the system. It may be a harmless amusement for a Solicitor-General or a Crown Solicitor to write a few columns in a newspaper, but it is hard that the colonists should pay men who prejudice their cause and run counter to their interests. Judges have sometimes indulged in composing for the press, for I remember one was detected and dismissed. If it may be dangerous to society for Judges to write in newspapers, it is not less so for Governors. I speak of this as a principle, without reference to Mr. Watson's case, or the case of any one in particular. But when a Governor writes under an anonymous signature to prejudice a case he has to decide, it becomes

alarming. The Queen's representative, appointed to do justice—to hold the balance evenly—to take care that even dust should not be in the scale,—for such a person to write, I say is dangerous. And now, gentlemen, I tell you that Sir William Denison has used his pen, and written to prejudice a case in which he was the judge; and his letter was in a colonial newspaper, under the signature of 'Fair Play.' I make this statement with regret, but I am prepared to prove it."

The most angry feelings were manifested at the meeting, and the opinion of the inhabitants on the important question of transportation cannot be obtained more briefly than by observing that the following resolution was proposed by one member of the Legislative Council, and seconded by another, and that it was carried unanimously. These members of Council be it remembered were nominees of the Lieutenant-Governor :—

"That it is the opinion of this meeting, that the despatches addressed by Sir William Denison to the colonial minister,—with reference to the merchants of the colony, on the 13th May, 1848,—with reference to the working mechanics of Hobart, on the 1st July, 1848,—with reference to Messrs. Pitcairn, Allport, Gregson, and other highly esteemed colonists, on the 4th December, 1847,—and with reference to the colonists generally, on the 20th August, 1847, and on the 15th August, 1848, exhibit a temper wholly unbecoming an officer charged with the administration of the government of a British colony—with the onerous duties of this government. That the policy of Sir Wm. Denison has been destructive of the permanent interests of this country. That in recommending (in his despatch, July 10, 1847,) that the transported convicts of the British empire should be sent to this colony, he neglected the unequivocal expression of public opinion, and utterly compromised the social welfare of the community at large.—That Sir Wm. Denison by continuing the 15 per cent. duties on colonial commerce has taken an unjust advantage of the long delay of representative government, and suffered the commercial interests of this colony to be seriously injured. That Sir Wm. Denison, in tampering with the administration of justice and accomplishing the extinction of an Act of Parliament which gave to

the inhabitants of this colony the protection of British law, has disturbed the confidence of this community in the pure administration of justice. That the general proceedings of Sir W. Denison have exhibited a disregard of the wishes, reputation, and moral and material interests of the people, whose lot it is to live under his government*."

The following remarks of one of the leading merchants, a foreigner, are here inserted, in order to show the reader

* One of the oldest colonists, Dr. Officer, made the following graphic observations:—

"I have always thought that of all the British colonies, the beautiful island of Van Diemen's Land is the last which ought to have been subjected to this cruel degradation: from its climate, its scenery, and its whole physical character, it is calculated more than any other to maintain in all its vigour the character of the race from which we are descended—it is one of the lands of the mountain and the flood, which have ever been distinguished for their love of independence, their hatred of tyranny, and their efforts in the cause of freedom; and, looking through the vista of time, I can see Tasmania become the centre of civil and religious freedom, and the home of the arts and sciences in the southern hemisphere. Although to me it is but the land of my adoption, and there is another land to which I must while life lasts, look back with feelings of fond affection, I have yet experienced the power which Van Diemen's Land possesses to create attachment to its soil. I have made more than one vain endeavour to leave it for another sphere of action: but when with this view I was traversing the fertile plains of Australia, I was continually thinking of the hills and valleys I had left behind. I contrasted its scorching winds and dull water-courses with the refreshing breezes and sparkling waters of Tasmania. The Derwent was continually in my thoughts, and I had no peace until I again planted my steps on its banks. And these feelings and regrets were not peculiar to me, but were equally shared by the mechanic and the humble labourer who had been driven from our colony by this unhappy system. These men still long to return, and return to Van Diemen's Land they will—as soon as we can send them the assurance that a fair reward awaits their labour amongst us. Let it not be supposed that those who most earnestly advocate the discontinuance of trans-

the opinions generally entertained by the colonists as to the enormous indirect taxation levied upon the people, without their having a voice in the expenditure.

“ F. Haller, Esq. said that he should have abstained from offering any remarks if he did not feel that the resolution moved contained a principle the most necessary and essential to the security of our liber-

portation have no sympathy for the unfortunate convict; the reverse is emphatically the truth; for our feelings are in the highest degree aggravated by the conviction that, while it so grievously injures ourselves, its whole tendency is to corrupt, and still further to degrade the unhappy subjects of its discipline. The universal voice of the colony proclaims this painful fact; and all statements to the contrary, wheresoever or by whomsoever made, we know to be utterly fallacious. No zeal or ingenuity can ever render reformatory a system so false in principle, and so contrary to the laws of our common nature. All true reformation begins only when the official discipline ends, and takes place not in consequence of, but altogether in spite of, the previous probation. It is only when the convict has escaped from its degrading influences that he can begin to feel that he is still a man—that there is yet something to live for, hope for, and work for. These are the feelings, and this the way, by which many of our fallen fellow-countrymen have extricated themselves from the degradation into which they had sunk. But here again the convict system comes in with its baneful influences. No sooner has one of these unfortunate men thus entered upon a better course of life, and devoted himself to the pursuits of peaceful industry—perhaps surrounded himself with a wife and family, from whom he had been separated for many long years, than he begins to feel the constant influx of convict labour, with which he in vain strives to compete. He soon resigns the hopeless struggle, and betakes himself to one of the neighbouring colonies, where a better reward awaits his honest labour. For the sake, therefore, of our expatriated fellow-countrymen, whom we earnestly desire to see restored to habits of virtue and happiness—for the sake of our children, and for the sake of a future generation, on whom the direful effects of any present apathy on our parts will fall with tenfold force, and who will look back to us of the present day with feelings of gratitude or of

ties—the principal that taxation should be under the entire control of representatives. It was the refusal by Hampden to pay ship-money, illegally demanded by the King, that led to the flag of liberty being unfurled, before which tyranny had to succumb; and now no taxes could be levied in England, except by the consent of Parliament. But as soon as an Englishman removed to the colonies, subject to the same sovereign, and parts of the same empire, his money, his property ceases to be his own, and he is at the mercy of the nominees of the Colonial Office. The merchant, the settler, might be reduced in his circumstances; but these men continued their exactions without pity or remorse. Thus it had been here. Poor Sir Eardley Wilmot, by the unrighteous conduct of the Home Government, was driven to the necessity of imposing taxes to defray expenses, not for local, but imperial purposes. (Hear, hear.) But at last our claims were recognised. Successive Secretaries of State admitted that we were overtaxed—one of them admitted it was monstrous:—and £26,000 per annum were granted for our relief. Well, were the taxes abolished which this supply made no longer necessary? On the contrary, taxation was increased. In 1847, when Sir William Denison was appointed to the government, our expenditure was £114,000; in 1848, £116,000; in 1849, £135,000; and in 1850, £137,000. What was the annual expense, according to the population, for the maintenance of the extensive establishments of Great Britain and Ireland? Why, it was £1 5s. per head. Without a Queen, without an army and navy to support and provide for, here it is £2 12s.! Yet when the merchants remonstrated, and, finding that the exactions were based on illegal acts, on acts worse than waste paper, refused to pay, they were branded as rebels! They were traduced to the Secretary of State as being unmindful of their duties to society—though for similar conduct Englishmen at home had been honoured as patriots. What security have we then for our

execration, according as we faithfully perform or shamefully neglect the critical duty which now devolves upon us,—let us determine that this fair land shall no longer be the scene of this mischievous experiment. While transportation lasts we shall have heart-burnings and jealousies, classes and class-feelings: until it is utterly abolished we shall never have social peace—without which we can have no true prosperity,—for ‘Better is a dinner of herbs where peace is, than the stalled ox where there is strife.’” (Loud and continued applause.)

liberties, if, in an English colony, under an English government, they can take away our money when they like, as they have done for years and then accuse us of being democrats? Moreover, the corrupt spirit which causes such an enormous expenditure is sustained by a reformed House of Commons; for when the Hon. Mr. Scott last year made a motion on colonial expenditure, he could only get 34 members to vote with him. A civil list of £43,900 is according to the charter reserved, a large sum of which cannot be touched by our representative without the consent of the Crown. What this proviso means may be learnt from the history of British Guiana. The Legislature there consented to a civil list in 1844, to last till 1854. But last year the colony got into such a ruinous condition that the Legislative Assembly refused to vote the same sums. They were told by the Governor that their conduct was illegal—that they must pay; but, as they continued their resistance, he sent them about their business, and summoned another assembly, who stopped the supplies altogether. Thus, everything was thrown into confusion; yet Earl Grey, who knew all this, did not interfere in favour of justice. You see, then, what you may expect from a fixed civil list. The secretary for the colonies for the time being wields the sceptre of the Sovereign—in his hands it has proved a rod of iron; but we desire it to become a sceptre of righteousness, commanding the respect of every Briton, that wherever its sway extends, every heart may exclaim, God bless the Queen." (Cheers.) — *Hobart Town Courier*, Feb. 1850.

One of the operative mechanics of the city, afterwards proposed as a resolution, and it was immediately seconded, and carried unanimously, that every person signing the petition to Her Majesty should be considered as having pledged himself not to employ any more convicts. "This," said the proposer, "will have the effect of bringing back in hundreds the free mechanics that have left the colony." Now, with a population goaded on as the inhabitants of Van Diemen's Land have been, with men of the determination represented by the speakers on the occasion of the meeting, what may not be anticipated, unless the home authorities be pleased to alter the present system of prison

discipline. It is not impossible that, before these pages meet the eye of the reader, an outbreak of some serious nature may have taken place; but if that has not yet been the case, it certainly will be before long, unless a remedy be provided. The new charter places in the hands of the people the power to elect two thirds of the Legislative Council, and this body will forthwith have the control over the greater portion of the public revenue and expenditure. Those colonists who may be desirous of becoming members will scarcely be called upon to pledge themselves to use their utmost exertion to do away with transportation, because, unless a candidate for election be well known to be an advocate for free institutions, he will have no chance whatever of being elected by the people who are so opposed to convictism. The inhabitants are well acquainted with all those they can depend upon, and when every one is strenuous in the same cause, the only difficulty will be to select the most determined, and yet prudent, as their representatives. If members of the present Council, nominated as they are by the Lieutenant-Governor, can propose and second resolutions like the one quoted, it may naturally be inferred that recommendations equally forcible will be put forward by the representatives of the people. The Lieutenant-Governor and the Council, according to the new charter, are empowered to frame laws for "*the peace, welfare, and good government of the colony,*" and the inhabitants, in their estimation, will probably consider it advisable for the "peace and welfare" of the free, that the convicts should be removed from their island*. The

* And be it enacted, that the Governors of the said colonies of *Victoria, Van Diemen's Land, South Australia, and Western Australia* respectively, with the advice and consent of the Legislative Councils to be established in the said colonies under this Act, shall have autho-

charter giving the power to the Lieutenant-Governor and Council to levy duties and taxes, and to appropriate them to the public service, what is to prevent the majority from passing an Act imposing a tax upon all such of the inhabitants as may employ convict servants? Were a prohibitory impost thus levied upon such employers, every convict would be at once thrown upon the hands of the British Local Government—and there are nearly ten thousand prisoners of the Crown, without any indulgences whatever, in the service of the colonists—what would the Lieutenant-Governor do with the men under such circumstances—what could he do with them? Some may say that the Legislative Council will not have power to pass such laws, why then is the right to do so vested in that body by the new charter? Can any private instructions sent out from home invalidate an Act

ity to make laws for the peace, welfare, and good government of the said colonies respectively, and with the deductions and subject to the provisions herein contained, by such laws to appropriate to the public service within the said colonies respectively the whole of Her Majesty's revenue within such colonies arising from taxes, duties, rates, and imposts levied on Her Majesty's subjects within such colonies: Provided always, that no such law shall be repugnant to the law of *England*, or interfere in any manner with the sale or other appropriation of the lands belonging to the Crown within any of the said colonies, or with the revenue thence arising; and that it shall not be lawful for any such Council to pass, or for any such Governor to assent to, any Bill appropriating to the public service any sums or sum of money, unless the Governor on Her Majesty's behalf shall first have recommended to the Council to make provision for the specific public service towards which such money is to be appropriated; and that no part of Her Majesty's revenue in any of the said colonies arising from the sources aforesaid shall be issued, or shall be made by any such law issuable, except in pursuance of warrants under the hand of the Governor of the colony, directed to the public Treasurer thereof. — 13 & 14 *Vict. cap. 59.*

of Parliament? The very supposition would be ridiculous. The colonists had the draft of the new Bill forwarded to them for their consideration, they discussed its merits, and by this time they have it as sanctioned by the Lords and Commons. Is it to be supposed that the bill so passed, after having the approval of Her Majesty, can be impeded in its effect, by any instructions to a Lieutenant-Governor? The colonists have a right to tax themselves if they think proper, and if an end cannot otherwise be put to the present convict system, they will bring matters to an open crisis by levying the tax described, and the enactment *must pass*! The Lieutenant-Governor it is true may refuse to bring the bill forward, or, when passed, to allow it to be enforced, and then what will follow? The Council will decline voting one single penny more, than the amount prescribed by the charter, and then how will the Lieutenant-Governor carry on his government? Will he dissolve the Council?—If he can, and dare do so, will he place himself in a better position? A new Council, were he himself to nominate every individual, would only make matters worse, unless the nominees were all receiving salaries as Government servants. Supposing it possible that coercion should be attempted, force will be met with force—and as the people have been termed “rebels” perhaps they may think of independence, and would the adjoining colonies look on without sanctioning or aiding their cause? Are not the colonists of all the Australasian settlements, most anxious that the present detested system of transportation should cease to that quarter of the world altogether? Looking at affairs still further in the perspective, suppose it were to come within the scope of possibility, that the free inhabitants of Van Diemen’s Land elected a Provisional Government *of their own*, and that the troops, belonging to the

British Government, were by the local authorities offered the privilege and the advantage of free colonists; and the convicts all of them had colonial free pardons presented to them, what would be the effect? could the British Government put down a rebellion under such circumstances? Would more troops be forwarded to receive freedom from servitude immediately on their landing? The colonists, however, only desire justice—they are a peaceable industrious people, and firmly attached to their mother country, and few, if any, subjects in the whole world are more devoted loyalists; but, as British subjects, they love British liberty, and they do not consider it inconsistent with their duty to seek from Her Majesty, and Her Majesty's ministers, those rights which are enjoyed by all other British subjects except themselves. Having thus fairly explained the relative position, in which the colonists of Van Diemen's Land and the home authorities are placed, as regards convictism, it will be advisable to lay before the reader a brief description of the past and present state of prison discipline; and then consider whether measures cannot be arranged which may ensure tranquillity, and yet allow convicts in any number to be sent to Van Diemen's Land with the consent of the whole body of colonists.

From very early times, both in New South Wales and in Van Diemen's Land, the settlers were allowed convicts to assist them in the cultivation of their land; and when emigrants arrived in greater numbers, the Government gangs were almost entirely broken up, and instead of the men being employed on the public works, they were altogether transferred or assigned to the service of the settlers, who, provided they were of good character, were allowed to receive them, so long as they attended to certain rules and regulations; such, however, was the increased demand for

labourers that, in the course of time, the supply was not at all adequate to the numbers that were required, and this caused much favouritism to creep into the system.

On the landing of the prisoners, after a full description of their persons had been taken by the clerks in the office of the Superintendent of Convicts, they were conveyed to the prisoners' barracks, and there at once apportioned out or assigned to the applicants—and thence is derived that which was afterwards called the "assignment system." The convicts formerly did not undergo probation of any kind; soon after they received their sentences in Great Britain they were sent from the gaols to the transports, and with the exception of the time occupied during the voyage, they had no leisure to form bad associations. On arrival, their future prosperity greatly depended upon their first assignment; if fortunately for them they fell into the service of good and kind masters, they felt little of the troubles of the discipline; if, on the contrary, they were assigned to severe employers, then their lot was indeed very different, and under such circumstances their career might be frequently traced from one punishment gang to another, and perhaps finally to the gallows. The offences for which the convicts were transported were always kept secret from the masters, and the employers cared not to discover what their assigned servants had been, all that was of importance to them was what the prisoners would be for the future; the convicts, therefore, on arrival may be said to have had a new start in the world. When assigned to settlers in the interior, they were generally treated like members of the family, sitting to meals at the same table with the masters, sleeping in the same hut, and frequently wearing a similar description of clothing. Convicts were in those times a valuable acquisition to the settlers, if the men would only

work ; and so long as they behaved themselves well, they had no cause to complain of transportation—on the contrary, they had reason to congratulate themselves on their good fortune. True it is that some few of the extensive landholders treated their assigned servants harshly in the extreme—working them under severe task-masters or overseers—giving them bad food as rations, and refusing them little indulgences ; and from such employers the prisoners frequently absconded, and, at times, would take to the woods, and become desperate bushrangers. For many years after the arrival of free emigrants, there were periodical musters throughout the island—free and bond assembled at certain places appointed, and the census was then taken ; after a while, prisoners were alone required to attend these gatherings, and this system is continued to the present time. The chief reason for thus collecting the people in the first instance, was to allow the prisoners an opportunity of preferring any complaints they might have to make against their masters ; and to enable the authorities to examine the clothing of the convicts, and see to their general state of health. These musters also allowed the returns of the convict population to be corrected, and the whereabouts of each prisoner to be accurately entered in the general register. The regulations required the employers to supply their assigned servants with rations, bedding, and clothing, and if well-grounded complaints were made by the servants, or, if prisoners appeared unsuitably dressed, the masters were held responsible, and received reprimands in the first instance, and in the event of repetition, the convicts were “ *resumed*,” and passed to some other settlers who attended more strictly to the regulations.

As regards the reformation, the old assignment system was unquestionably the best suited for the purpose :—with-

out associating with criminals, excepting during the passage, the prisoners were removed into the interior, far away from temptation, and generally speaking, if they conducted themselves well, were almost certain of kind treatment ; if, on the contrary, they broke themselves to vicious habits, punishment was sure to follow, and ordinary offences were formerly most frequently expiated by severe floggings. Favouritism was the only serious hindrance to the system—there was too much power vested in the Board of Assignment : being composed of Government officers, they of course very naturally felt an inclination to serve those on good terms with the Government, to the prejudice of those who ranked among the opposition. The former had but to ask for useful labourers, and they were given : whereas, those obnoxious might require farming men, and if not actually refused, instead of such a class of prisoners as they required being sent to them, they would have London pick-pockets, or machine breakers, or cotton spinners assigned. The colonists therefore, entirely depended upon convict labour, for all free men became masters on their arrival in the colony ; the binding of servants by indenture in England was in former times useless, for there were no means of enforcing the fulfilment of the contract after arrival ; the indentured servant, therefore, on reaching the colony became as regards the assignment of prisoners, equal to the master. All the colonists, being perfectly dependent on convict labour, the power of refusing to grant, and the right of resuming those that had been assigned, rendered the settlers entirely at the mercy of the individuals in power. Occasionally, without giving any reason for so doing, the convicts would be withdrawn, and this was too frequently tantamount to the ruin of the master ; for his ripe corn would shed upon the ground, and the sheep would

lose their wool in the scrub, merely because labourers could not be obtained. Equally injurious results were experienced by the tradesmen residing in the towns. It was useless to complain, because the persons who inflicted the injury were the very individuals to whom the complaints were to be addressed. By far the better plan was to swim with the stream, and those that succumbed, and cringed to the existing powers, became wealthy, whilst those who endeavoured to maintain a more independent position were ruined.

Some eight years back, the home authorities determined to interfere with the local arrangements respecting convicts, and to vary the assignment system; and ever since, there has been a constant patching and tinkering, and a very considerable waste of public money, without affording any benefit to the prisoners, but causing very considerable injury to the colonists. The first experiment tried was that of probation; the principal feature of which was to send the convicts as before to Van Diemen's Land, and, instead of parcelling them out to the settlers on their arrival, the men were retained in probation gangs, to undergo various periods of punishment, before they were allowed to be assigned. This plan was diametrically the reverse to the most beneficial portion of the old system, inasmuch as it had the effect of herding the convicts together; idleness was consequently engendered, and bad associates were formed, and the men too frequently became by instruction accomplished in villany. The probationers were at first worked on the roads and the public works; then it was ordered that they should be educated, and catechists and schoolmasters were appointed for each station:—and ultimately the men were required to be treated kindly, and not like convicts suffering the retribution due

to their crimes. The probationers instead, therefore, of working, wasted their time, and stations where hundreds of men were congregated, have not effected five pounds' worth of public labour in as many months. Formerly, masters were not allowed to pay their assigned servants wages; indeed, money was expressly prohibited to be given to convicts under any circumstances whatever; and many free men have been severely punished by the magistrates for infringing the regulations in that respect*. Under the new system, when the prisoners served their probation, and were assignable to the settlers, the masters were required not only to find rations, lodging, and bedding, but were likewise called upon to pay the men wages. The rations for probationers were then, daily—

1½ lbs. meat†.	1 oz. roasted wheat, or
1½ lbs. do. bread, or	¼ oz. of tea.
1 lb. bread and	1 oz. of sugar.
2 lbs. of vegetables.	½ oz. of soap.
	½ oz. of salt.

The minimum rate of wages in the first instance, was nine pounds per annum! There are now three classes of probation, through all of which grades the convict must pass before he obtains his "ticket of leave,"—the first received one half whatever salary might be agreed upon between himself and his employer, the second two thirds, and the third or senior class the whole of the money. The deductions of the two former were paid into the hands of the Government: and on the convict obtaining his indulgence,

* Many a free man has been sent to the tread-mill of the convict penitentiary, and worked with the prisoners, merely for having given a few halfpence or a fig or two of tobacco to men in the gangs; and very many masters had their assigned servants taken from them because they gave money or wages to encourage the men at their work.

† Since altered to one pound per diem.

the same was to be handed to him after deducting certain charges. The most ridiculous part of the system was, that it was expected that the first class, with the half wages, should attend the musters as well dressed as those of the third class who had the full amount. The absurdity of allowing the convicts to fix their own wages, was too ridiculous to last long; the local authorities therefore cancelled that portion of the regulation, and probationers are now compelled to take any fair offer that may be made by a respectable settler, or otherwise be subject to punishment should complaint be made. The probation discipline as first established, would not work well, and the local authorities were ashamed of the system; so the probation gangs of the settled districts were broken up, and the principal station was established at Maria Island; this island is situate near Oyster Bay on the eastern coast, it is about a couple of miles from Middle Island, and thence two miles to Sand-spit Point: a good swimmer could therefore easily cross the narrow channel through which small vessels occasionally pass to and fro to the upper settlement near Waterloo Point. The probation stations being thus placed out of sight, no longer afford amusement to the inhabitants, and the "jolly probationers" as the colonists term them, are now cooped up on the island, and taught all manner of things good and bad.

Transporting convicts half round the globe, then educating them, where masters could not be obtained, unless at exorbitant salaries, was at last discovered to be incurring an unnecessary expense, so it was determined, that in future the term of the probation should be served, and the education carried on in England; and that when sufficiently instructed, the men should be sent out as "exiles." This class of prisoners are now landed with indulgences, nearly similar to the conditional pardons under the old regulations, the

"exiles" may make their own arrangements, and do just what they think proper after once setting foot ashore in the colonies.

Convicts when they receive a sentence of transportation for offences committed in the colony, are forwarded to one of the two penal settlements; the free settler if he receives a similar sentence is likewise transported to the same station, —this is unjust, but it is nevertheless effective in the prevention of crime on the part of the free; for although the proportion of male convicts is only about 20,000, to 16,000 of the free and those born in the colony, yet 19 out of every 20 of the prisoners brought to trial are British convicts*.

There are by a rough estimate, about 25,000 convicts in Van Diemen's Land. In the employment of the Government, there are, including those under punishment at the stations, 10,000,—there are 10,000 employed by the inhabitants as servants, and 5000 enjoy what are called "tickets of leave." It will be as well to explain the nature of the several indulgences. When in England a prisoner receives a sentence of transportation for life, it is generally supposed that he suffers under probation of some kind, until death breaks the bond of servitude; that a sentence of fourteen years means a punishment for that period,—and so on; but nothing of the kind takes place. Formerly the "lifer," or convict for life, had to serve eight years in the colony, without undergoing serious punishment, when he obtained his ticket; then two more for his conditional pardon, and a year or so afterwards this was followed by a pardon from home and the holder then became emancipated—free in every sense; those sentenced to fourteen years had to serve six, and those for seven had

* The freed or emancipists, amounting to say 9000, are not included in this calculation.

four years before the ticket could be obtained. Under the probation system, a part of these periods is spent in the educational establishments in the mother country, a part whilst under probation in the colony; or sometimes the whole of the probation is worked out in England, and the prisoners arrive as before described under the name of exiles. So frequent, however, of late years, have been the changes as regards the periods of actual punishment, that it is almost impossible, without going at considerable length into the subject, to explain the various alterations. The "ticket of leave" in former times merely gave the convict the power of selecting his own master, and making his own arrangements with regard to wages: the new system has rendered the "ticket of leave" equal to the old conditional pardon. By law (6 Vic. cap. 7, 1843) the possessor of the ticket "can acquire and hold personal property, and maintain any action or suit for the recovery of any personal property so acquired, or for any damages or injury sustained, in the court of the colony wherein he resides." Those possessing the indulgence, are obliged to muster occasionally, but otherwise they enjoy the same privileges as the free inhabitants—they enter into business, and very many of them are traders and shop-keepers. They are not allowed to hold landed property; so that in many respects the ticket of leave class possess about the same privileges in the colony, as the Jews now do in Great Britain. When the ticket of leave owner has retained his indulgence for the stipulated time, under the modern system, he obtains his conditional pardon, and becomes free of the Australasian settlements, he then can hold land, and is in every respect free, on condition that he does not return to Great Britain.

The discipline, as it has already been described, is

dependent on orders the Governor, and Executive, receive from the home authorities; the convict department, and the routine of management, is more directly conducted by an official now designated the Comptroller-General of Convicts. This department has its principal office in the City of Hobart. The police magistrates of the interior may be reckoned as deputies, and on them chiefly depends the carrying out of the penal system. These ministerial officers make their returns of all convicts that are mustered, and known to be within their districts, give information as to the conduct of the prisoners, and report the punishments inflicted. The duties of the office in Hobart Town consist chiefly in receiving these returns, and entering them in the various books of record. The machinery is truly elaborate, perplexing, and generally speaking of very little avail; indeed, the whole discipline system was much more effective when under the management of a principal superintendent, than it now is, with its complex ramifications carried on by a whole regiment of clerks and underlings.

The present probation system is attributed to the late Captain Foster, who, finding the old assignment plan did not give satisfaction to the home authorities, suggested or recommended the adoption of the new one. That gentleman was the first Comptroller-General; some time before his death, he found it impossible that the system could work effectually—the books had become confused, and in order to make a clean sweep, it is said he burnt them all during an official visit to Launceston.

It is unnecessary here to go into an elaborate explanation of the mystical routine of the Comptroller-General's department, but a few practical cases will show clearly the duties intended to be performed. The books are supposed to be registers of the police character, and the whereabouts

of all the crown prisoners in the island. Now suppose a convict giving himself out to be John Smith, is taken up by the police, and charged with some breach of regulations or disorderly conduct, in the streets of Launceston ; as he is unknown to the police—for it cannot be expected that all the constables in the island are personally acquainted with every one of the twenty thousand male convicts—he may if he pleases, or rather if he has audacity sufficient, pass himself as a free man, and probably as such, will be subject to some slight punishment, to which he must of necessity submit ; if however, he should be discovered to be a prisoner of the crown, which is not very likely, he is liable to a more severe one, for having imposed upon the authorities. Supposing now the man calling himself Smith, is in reality entered in the books as Jack Sharp, by the ship Mount Dromedary, and that John Smith was one of his fellow passengers on board the same vessel, which brought them both to the colony ; the offender suffers the punishment as John Smith, and in due form the police magistrate in his return, gives the full particulars, and these are duly entered in the books of the Registrar at the Comptroller-General's office. Time passes, and the real John Smith's term of probation has expired, and he becomes due for his ticket. He consequently makes the usual application, but receives the general answer, that he is not eligible to receive the indulgence. Smith not having been punished whilst in the colony, is quite certain there must be some mistake ; he, therefore, requests his master to see to the business for him. When the settlers have good probationers in their employment, they are not often anxious to part with them, and, therefore, not desirous that their servants should obtain their tickets : for these give their owners liberty to leave their masters forthwith, without

any ceremony, and no agreement made by a prisoner before he has his ticket, is considered to be binding when he once holds the document. However, let it be imagined Smith's master really desires to serve his man, and he calls at the Comptroller-General's office—there are the books and there are the entries—it is all in vain that Smith declares he never was at Launceston—the records must be correct, or otherwise every convict that applied for his indulgence would, as a matter of course, declare he never had undergone punishment. It is, therefore, useless for Smith to complain—to bother the authorities with an endeavour to prove an alibi—he must serve the extra term—whilst he is astonished to hear that his ship-mate, Jack Sharp, whom he knows to be a notorious bad character, has actually obtained his indulgence without any difficulty whatever. This it will be said is an extreme case—granted that it is so; yet under the old system such a fraud would have been utterly impossible. The settler then was an assistant superintendent for every convict under his charge, and when absent without leave the master was, within four-and-twenty hours, bound to report the servant as having absconded, so that the principal superintendent of convicts could at any time pounce upon a man when he was required. There was then no such thing as probationers prowling about with passes, or without passes, all over the island; but how is it possible that the Comptroller-General can know the whereabouts of the convicts, when he cannot tell which of the clerks in his own office are free, and which are prisoners of the crown. True, Jack Sharp could not well under the present system get John Smith's ticket, but he can by the scheme described keep his own bill clear.

Many passholders or probationers comply with the rules and regulations, whereas the more experienced rogues are

up to all the manœuvres, and very soon contrive to let all traces of their whereabouts be lost. Formerly, every settler could tell a convict at first sight, because the greater portion of the free were known to each other, and it was useless for a prisoner to attempt to palm himself off as a free man, when he was certain of detection; now the case is different, there are so many free, that there remains little danger of discovery, if a prisoner pleases to rank himself among their number. Formerly, the *onus* of proving the freedom remained with the accused—now, if any constable illegally detains a free man, or an emancipist, under suspicion that he is a convict at large, immediately a whole host of the legal sharks will pounce upon him, and bring all kinds of actions—false imprisonment, defamation of character, &c., therefore few constables, under the circumstances, like to question a man's word when he pronounces himself to be free; and although the police officer may have misgivings in his own mind, that the man charged is not what he represents himself to be, it is, nevertheless, not worth the constable's while to run any risk in the matter. The police would have enough to do, were they to challenge and take into custody, every one they did not personally know whom they might meet with in the city after eight o'clock at night—it would be perfectly monstrous were they to do so, and the free inhabitants would never submit to such degradation—but because such surveillance cannot, under the present system, be adopted, it by no means follows that convicts without indulgences, ought to be allowed to prowl about the streets at all hours of the night.

Should it so happen that some particular prisoner is required, you apply to the Comptroller-General's office, and giving the man's name and "his ship," the clerks, after sending you from one to the other, inform you that the

prisoner is last returned as being in Jerusalem—you then apply for further information to the police magistrate of Jerusalem, and he writes back that the man has gone to Jericho—from thence you trace him to Bagdad, and there no further information can be given as to his place of domicile, and yet perhaps the prisoner sought for, may be one of the orderly class, who is patiently serving for his indulgence, and is to be seen every day on the main road, driving his master's bullock cart.

The Comptroller-General is a farmer on a pretty extensive scale, at Maria Island, at Port Arthur, and at other stations; he feeds sheep, grows grain, hops, and potatoes for the benefit of the Lords of the Treasury, and the produce is sold in the markets, to the serious injury of the settlers. The farming, it is true, is a woeful speculation, yet the grievances, as far as the interests of the colonists are concerned, are nevertheless not diminished by the failure. There is the grain, and there are the hops and the potatoes, and those that dine off Government potatoes cannot be expected to take second dinners daily, merely to patronise and encourage the colonial farmers. The grain costs the Government nothing directly; indirectly the British Treasury has to pay some twenty or thirty shillings the bushel, and it perhaps realises three. About two years since, some sheep passed through the city of Hobart—the poor things presented a sight truly lamentable to behold—of all the miserable looking animals that ever crept along, none ever exceeded them in wretchedness—lean, scabby, lame, they could scarcely walk, and many were obliged to be carried. No sheep master in the island would have received the half-starved creatures as a gift—no butcher would have taken the trouble to have killed them for their wool and skins. Had such a flock been driven through the streets of

London, the police would, as a matter of duty, have adopted proceedings against their owners under "Martin's Cruelty to Animals." On inquiry, it was found the flock in question belonged to Her Majesty's Lords of the Treasury, and that they had just landed from one of the Comptroller-General's farming establishments at Port Arthur. These sheep were once fattened all ready for the Hobarton market, but when they arrived to be sold, they were in the state described. One would have imagined, that, if the Comptroller-General could fatten sheep, that it would have been advisable to have "killed himself" and supplied "the amount of meat required for the convict population, without any expense to the commissariat," it seemed the height of folly to ship supplies of fresh mutton to the very station, from whence the fat wethers were to come; but had the sheep been killed for convict rations; the Comptroller-General could not have made up a dispatch for the home authorities relative to the receipts produced from the farming establishment—for the prisoners at Port Arthur in a meal or two, would have eaten all his flock.

Everything in the administration of official matters is required to be carried on in the most extraordinary complex style. Forms are made out in triplicate, and battled from one department to another—from the Colonial Secretary to the Comptroller-General, and from the Comptroller-General to the officer in charge of the commissariat—and from the commissariat officer, back again to the Colonial Secretary—it is just like a three-handed game at battle-dore and shuttlecock, and this must have been the game played in the case of the Port Arthur flock. The wethers were probably fat at one time, and the superintendent of the farming establishment, at the station, no doubt, so reported them to be, to the Comptroller-General. The

latter officer, in due course, would hand the report to the Colonial Secretary, to receive the sanction of his Excellency, to have them forwarded to the city for sale, desiring, at the same time, to know to what account the proceeds were to be paid. The Comptroller-General's communication would be doubled down in the corner, and on it a "memo" or "query" written in pencil, in the Governor's hand, "send this to the "commissariat officer in command, for further information." The commissariat officer, glad to save as much as possible out of the fire, would immediately claim the proceeds, to be placed to the credit of the account of the meat supplied, to the Port Arthur stations. The colonial Treasurer having no treasure, nor having had any to take care of for the last ten years or so, must needs make himself busy by appearing to be doing something, so he sends an "official" to the colonial Secretary claiming the proceeds of the wethers, on the ground that the dams of the wethers were the property of the colonial Government*, and that the sheep had been fed on land

* Probably the Comptroller-General had exceeded his instructions, for the Governor had not been authorised by the Secretary of State to purchase cattle or sheep, or to appropriate the ewes of the Colonial Government to the use of the convicts—the secretary plainly says that he was not satisfied of the propriety of "purchasing sheep,"—so, perhaps, the Comptroller-General took the hint, and, instead of buying, merely borrowed or appropriated.

"The ground must be cleared and prepared, and a proper rotation of crops adopted. As in this country, it is impossible to procure a return from land which does not receive a proper allowance of manure, and as this cannot be procured without a stock of cattle, it would at first view seem to be very desirable that the Governor should be empowered to purchase a certain amount of stock; and in fact to establish the farm or farms upon such a footing as would ensure their proper cultivation, and thus in a short time to obtain

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which, if sold, the proceeds would, as a matter of course, be paid to the account of the land fund ; under these circumstances he would submit to his Excellency, that the commissariat officer had no right to receive the monies ; a lengthened correspondence follows, the shuttlecock is kept actively in motion by the several departments, the Treasurer now taking a part in the game. At length the voluminous documents are transmitted to the Attorney-General, as the legal adviser of the Governor ; and it scarcely being a question of law, or if it is, the legal compilers not having laid down any cases, he recommends the appointment of a board—so a board of enquiry is formed, and the decision is ultimately given. Then the “ Superintendent of the sheep farm ” receives an official communication, desiring him to forward by a certain vessel, that is to be despatched for the express purpose by the commissariat department, all the wethers mentioned in his report of such or such a date, perhaps some six months previously ; he of course follows his instructions to the letter, and the animals are shipped ; but, instead of their being in the good condition he had so long since represented them to be, they had not only eaten all the food that could be scraped together for them, but

the amount of meat required for the convict population, without an expense to the commissariat.”

“ But I am not satisfied of the propriety of allowing cattle to be bought for these purposes. The proper care of animals can hardly be secured, except by employing free and trustworthy labourers. *A virgin soil does not for some years require manure, and tanks would supply much aid of that kind.* I must therefore reserve this part of the subject for further consideration, after you have considered it on the spot, and reported your mature conclusions respecting it.”

The *virgin soil* may be found somewhere near the factory, at the head of the town creek, but the colonists never could discover what was intended by the tanks.

the poor things had consumed their own fat, and had become the miserable objects that were seen straggling through the streets of the city. It is not only where sheep are concerned, that these unnecessary procrastinations take place, and that such vast quantities of pens and ink and red tape are required, but just the same delay would result were a superintendent of a station wanting half a pound of tenpenny nails to hang a door with ; sometimes it will be six months before the ordnance store keeper will receive instructions to make the required issue of the half pound of tenpennies, to the convict department—nay, it has been asserted that a monthly salary abstract for a whole department, was once delayed six weeks in the payment, merely on account of a very simple “ query ” of the auditors ; and if salary abstracts cannot be pushed forward with greater speed, what can be expected when mere sheep and nails are in question ?

The Comptroller-General is also a ship-builder on a small scale, and every now and then a new craft arrives in the Derwent from Port Arthur, and is sold by auction, and thus does considerable injury to the master ship-builders. True, what would cost the latter ten pounds per ton, would cause an indirect expenditure on the part of the Lords of the Treasury of some hundreds, but the disposal of a vessel gives an excellent subject for two or three despatches—if well managed. The Secretary of State then becomes gratified by supposing it possible that the ship-building business may improve, and that the agricultural prospects of the Comptroller-General will turn out more favourably, and that in the course of time the convict department may become a self-supporting establishment ; but years pass over, fresh instructions are received, the arable lands are left to run wild, the vessels remain unfinished on the stocks —

and why?—because perhaps another Secretary of State has recommended sheep farming, instead of agriculture and ship-building.

Not only is the Comptroller-General a shipwright and a farmer, but he has other irons in the fire, and on account of the Lords of the Treasury, and entirely at *their risk*, he carries on two extensive washing, ironing, and mangling establishments; and he has also a speculation for the same owners in two needlework businesses,—much to the injury of the free dress-makers and washerwomen, who cannot compete with him. His terms for making are considered cheap, and the washing is carried on at equally moderate prices, “—the ordinary washing of families is charged one shilling and sixpence a dozen; articles not coming under that denomination are charged for, at an equally reasonable rate.”—*Vide Government Gazette*.

There are in the elaborate working of the Comptroller-General's department, numerous evils under which the convicts themselves are suffering. According to the old system, a prisoner received sentence of transportation for life, for an offence that would now, be visited with a punishment of only a few years. Then formerly, the servitude required before the ticket could be obtained, was passed in the colony, and the date of the indulgence depended upon the day of arrival. Many prisoners are in the island who served a portion of their time in the gaols in England, and when arriving, all that time so passed, has not been taken into account; whereas, under the last improved plan, convicts undergoing a short period in England, arrive with indulgences in the colony. All these differences only tend to increase the pen and ink business, and as far as the prisoners are concerned it is unjust. By far the better plan would be to have but *one system that all could under-*

stand; and one, that should serve for punishing, and at the same time, for reformation! Another evil is, that the parties in the Comptroller-General's department, from the nature of their situations, must be masters of all facts connected with the ways and means, and former position, and future prospects, of the convicts who are about to be assigned; so these individuals directly, or through their acquaintances indirectly, take care to make the first application for those who have friends, or are otherwise likely to enable the master to make something out of them. These being assigned are generally allowed to be upon their own hands, conditionally, that they pay so much per week for the indulgence. Cases might be cited, wherein some of the leading Government officers take assigned probationers under their nominal charge, allowing them to carry on business for themselves, with the sanction of their protection; it would be invidious to mention the parties so acting, although they are well known to the colonists generally.

CHAPTER VI.

SECRETARIES OF STATE FOR THE COLONIES SHOULD NOT BE REMOVED
WITH THE MINISTRY—PENAL STATIONS—HOBART TOWN STATIONS
—VALUE OF CONVICT LABOUR—TRIAL OF A YELLOW JACKET—
SUMMARY JUSTICE—MARTIAL LAW RECOMMENDED FOR ALL CON-
VICTS—CHAIN-GANGS.

BEFORE entering upon the description of the present discipline of convicts carried on at the penal stations, it will be as well to offer a few observations, respecting the actual source, from whence the instructions are received; otherwise the reader will not be enabled to form a correct opinion as to the real cause of such apparently absurd systems being enforced, and such unnecessary expenses being incurred.

The colonists generally do not complain of the lavish waste of British money in the support of convictism; on the contrary. Those few persons who are advocates for it, belong to the class of traders who look upon pounds, shillings, and pence, as the only desirable things of this life—the more money, say they, that is distributed in the colony, the better must it be for trade; and the more expended, whether wasted or otherwise, matters not, so much more advantageous must it be for the money-making shop-keepers. Therefore, under these circumstances, it cannot reasonably be expected that the inhabitants of the island, who are so averse to the system, will take the

trouble to inform the Home Government in what manner savings might be judiciously effected ; and it is certainly not to be supposed, that the officers of the various departments will point out to their distant masters, how branches of their own establishments might be dispensed with, when the abolishing them would throw many of the supporters of the system out of employment. It is the interest of all parties in the convict service to keep things as they are, and, as far as they are individually concerned, to leave well alone. Few men in private life will mix themselves up with matters which are of a public nature, and which do not immediately concern themselves ; and the local Government comprises all the public men, unless a few persons connected with the press be taken as an exception. The press, however, can be silenced, and has been silenced for very many years, so far as to its having any weight whatever in Downing Street. There can of course be found writers to support any system, let it be ever so absurd or unnecessary ; and, as we have seen, Governors themselves can write for the newspapers, when necessary. Journals, with such contributors, will, of course, be pointed out to the Secretaries of State as those to be depended upon, whereas any others that publish unpleasant truths, will at once be denounced.

As to the despatches from Van Diemen's Land, as the Secretaries for the Colonies too well know, they are of the most voluminous and complicated description possible ; consisting not only of sheets, but quires of paper,—and this reminds us of an anecdote attributed to good old Davey. He had received a communication from the then Secretary of State, calling upon him to give certain information, which it was not very agreeable for him to do. Not being much of a penman himself, he employed an old soldier as

his secretary, and ordered him to "spin out" half-a-dozen sheets of foolscap in reply. "Then," said he, "if the same secretary should happen to be in office when it reaches, which is very doubtful: the chances are, if he reads what you write, he will not make out what you mean, and that's just what I want." In this pen and ink age, it is very different, and it is expected that Secretaries of State should be acquainted, not only with the routine of the Governments of all the British colonies, amounting to some three-score and ten in number, but they are likewise supposed to be perfect masters of the merits of the squabbles that take place between the local rulers and the inhabitants; and further, to be well-informed of the claims private individuals may be making for supposed grievances, and injuries inflicted by the servants of the Crown. Now, leaving the other settlements of Great Britain out of the question, it would require at least two secretaries, and some half dozen assistants, to read carefully, and answer diligently the public and private despatches that are transmitted to the Colonial Office from Van Diemen's Land. Yet, with such work ready cut out for Her Majesty's Secretaries of State from one little colony, what must be their labour when the communications from the other settlements are taken into account!—surely, so involved, they can have very little time to meet the members of the ministry, and discuss with them any other public matters.

The great cause of all the colonial evils, is the precarious tenure of office by the responsible representatives. It is now very much the custom of writers to censure the colonial department, and declare it to be one of the worst managed under the British Government. But where there are no individuals accountable, it cannot be supposed that any office can be properly conducted. The tenure is so

uncertain, that no secretaries can make their arrangements, and form plans for the better government of the colonies, when they cannot reasonably expect to remain in the administration, a sufficient length of time, to witness the working of their adopted measures. The ministry may forward despatches ordering certain changes, and, as in the case of Van Diemen's Land and all the Australasian colonies, answers may be received in eight or nine months ; upon the tenour of the reply may depend the future prosperity of the inhabitants. When the answer reaches Downing Street, the colonial ministers who forwarded it, have been out of office many months, and others receive a reply to something they know nothing at all about. Nor are they likely to obtain any satisfactory information from the ex-ministers, who are rather pleased than otherwise, at seeing their successors somewhat at fault in the management of affairs. If the secretaries for the time being, are to be dependent for information upon those under them in the colonial office, it follows that these individuals, being better informed than their masters, would be competent to decide what was requisite without any appeal to the heads of the department.

The present system of appointing colonial secretaries, of making them turn in and out, with the ministry, on certain political occasions, is anything but advisable, so far as the interests of the colonists are in question. It may, perhaps, be desirable that statesmen ruling the policy of Great Britain—that individuals entrusted with the government of the people at home, should be removed from their influential positions when a change of measures becomes necessary, and others more efficient can be found to replace them ; but in respect to the government of the colonies, it is quite the reverse, for the settlements require to be under the control of men that are not mere birds of passage.

Secretaries for the colonies should hold office as independently as do the judges, they would then be accountable and responsible for the mismanagement of colonial affairs; the colonies being under their immediate control, and they being certain of witnessing the effects of measures they might deem to be beneficial, they would naturally feel a pride in adopting such a course, as would unite the interests of the colonies, with those of Great Britain; and it would be a grateful duty for them to afford British subjects all over the globe the liberty that all Englishmen are so proud of. It is cruel to the colonists, and unjust to the nation, to allow unknown agents to have the actual power in their hands, without any responsibility. Unless the evil be traced to the root, and a remedy applied, by making those in office responsible for the due fulfilment of the duties, it cannot be otherwise than expected that the colonists will be perpetually complaining, and that too with reason, and the British nation will be dissatisfied with the department where there is, in fact, no responsible representative.

Having thus premised and explained, that there is in reality no error in judgment as regards the persons who have held the nominally responsible offices of Secretaries of State for the Colonies; it will now be necessary to proceed and show the waste of public money that has been allowed, in the carrying out the present convict discipline system of Van Diemen's Land.

The secondary penal settlement first established in Van Diemen's Land was that of Macquarie Harbour, situate to the westward of the island. The coast may be termed iron bound, and the westerly gales so prevalent in those latitudes, render the shores in the neighbourhood dangerous in the extreme. Here indeed the punishment inflicted was of the most severe description; men were idly herded

together in hundreds, and strong military guards were placed over them. The station was better known under the name of "Hell-upon-Earth, or, the Modern Sodom;" but it is needless to dwell upon so painful a subject, suffice it, that after an useless, and at the same time a palpable waste of hundreds of thousands of British money, the settlement was abandoned, and nothing now remains but the walls of the cells and prisons: no station of any kind being within some hundred miles of the harbour. The convicts, whilst there, absolutely wasted their time and labour; for, with the exception of a few logs of wood, now and then forwarded to Hobart Town, the prisoners had no regular occupation; and, if occasionally employed, it was for the benefit of the underlings under whose custody they were placed.

Some time previous to the evacuation of Macquarie Harbour, Maria Island had been selected as a more favourable place for experimental discipline. It is situate between Tasman's Peninsula and Oyster Bay, or rather as named by Van Diemen, it was "Oester" Bay. The severity of the punishment was never much complained of at this station; its proximity to the main prevented the infliction of prolonged torture, as it was by no means difficult to effect an escape from the island. After the station had been continued as a secondary penal settlement for some years, when the labour of thousands and thousands of convicts had been misapplied, and scores of thousands of pounds from the British treasury had been uselessly squandered, the settlement was broken up, and the whole of the island was leased to two brothers of the name of Seal, who converted it into a sheep run, turned the commandant's dwelling into a stock-keeper's hut, and the barrack-yards into sheep pens. Had the Secretaries of State for the time being, been made

acquainted with the impolicy of making Maria Island a station for secondary punishment—would the waste of labour and money have been allowed? If then after so much expenditure the Government thought it prudent to abandon the settlement—surely if such a measure were reasonable, it must be unreasonable to play the same game over again: and yet now there are extensive probation gangs placed there, with superintendents and assistant-superintendents, religious instructors of all denominations, schoolmasters, overseers and assistant-overseers, with numerous constables and other petty officers, and all paid for by the Lords of the Treasury. Can the Colonial Secretaries be aware that the station now adopted for the discipline of probationers, was formerly abandoned, because it was found to be ill suited for the purpose, after a fair trial of eight years? But if it were expedient that the probation gangs should be removed to Maria Island—supposing it was reasonable to re-establish a little convict penal government at that place—what must be said when it is made known that the island is to be a second time abandoned, after all the additional waste of money and labour—and yet probably before the reader has these pages in his hands, the island will again become a squatter's station.

As regards the penal settlements of Norfolk Island and Port Arthur, they are mere sinks of iniquity, and so they always have been, and so will continue to be, unless some Secretary of State becoming fully informed of the abominations there carried on, and the useless waste of public money there expended, insists upon their being abandoned. From an experience of upwards of twenty years, the writer is enabled to assert, without fear of contradiction, that none of the prisoners transported to either of the penal settlements, were ever reformed by the discipline they had there

undergone—on the contrary, experience has proved, that men sent there, have invariably suffered contamination; a sojourn, of ever so short a period, has merely tended to harden the feelings, and induced the prisoners to regard the worst of crimes with indifference. Of all the very many thousands that have been transported to these stations, the same results have followed; the convicts, when their probations have terminated, have been returned to the settled districts, there to commit fresh crimes, and to suffer re-transportation to the same places. Sir William Denison, the present Governor, admits all this in his despatch to the Secretary of State, dated the 10th July, 1847; his Excellency says—

“ The universal opinion expressed by all who have had an opportunity of judging is, that with very few exceptions the convict issues from the probation station a worse man in every respect than when he entered it. In cases where the efforts of the religious instructors have appeared to produce an effect upon the feelings of the convict, this effect has always been found to be short-lived, even if real; the individual with this faint trace of an improved feeling in his heart, is thrown unavoidably among his old associates in crime, he is obliged to consort with them at meals and during working hours, and at night, when, owing to the limited accommodation at the different stations, no effective separation has hitherto taken place; being thus unable to separate himself from his old companions, even for an hour, how is it possible to expect that the good seed sown in his heart can produce any fruit ?”

Well may it be said, that men that have once resided in these cesspools of iniquity, are no longer fit to live in civilised society—and they ought not to be let loose among the colonists to defile them with their presence.

Prisoners never should have been cooped up in the manner they have been, and still are, but punished in some way suitable to the nature of their crimes: and, by proper discipline, so reformed that they might again become worthy

of another start in life. It is lamentable to think that whilst the humane and kind-hearted philanthropists of England are actively engaged in endeavouring to bring about the reformation of convicts at home, that so few, if any, can be found who dare denounce the horrors of the penal stations of Van Diemen's Land—the crimes there common being of such a nature that no one dare even mention the iniquity for fear of polluting his mouth, and disgusting the hearer. If, however, men are unnaturally herded together like beasts, and allowed to lead a life of idleness, can it be wondered that beastly habits, unnatural crimes; should be the consequences. "The show of their countenance doth witness against them, and they declare their sin as Sodom, they hide it not." (See Appendix, C.)

Punishment, at these penal stations, does not consist in enforcing any extra manual labour, but merely in the herding the men together. The infliction of actual pain cannot be continued, because strain the cord too tightly and you snap it—once obliterate all hope from the human breast, and the man will become desperate. Were it understood by the convicts at these penal stations, that they would have to undergo in the gangs, the actual terms of their sentences, they would rise *en masse* and murder every soldier and civil officer in charge.

None of the prisoners are, of necessity, compelled to remain many years in the gangs; but even as it is, when the criminal trials at Norfolk Island, are over, men are hung up like tassels on a window blind. It is to this station that educated convicts are sometimes transported from the mother country: the sufferings therefore such men are necessarily compelled to undergo, is indeed awful and unjust. The education they have received, it is true, should operate for the prevention of crime, but persons of this

class have usually friends and connections from whom their sentences, generally speaking, separate them for ever. This is punishment to the mind—and mental sufferings are far worse than those of the body. To place such men, who, if guilty, are still to be pitied, with convicts that have been nurtured in vice—that have undergone punishments in many of the gaols in England—and have, finally, become so hardened in crime as to be re-transported from Van Diemen's Land—to send educated men direct from England to undergo punishment with the very scum of the earth at Norfolk Island or Port Arthur, is neither just nor merciful,—nor is it likely to reform the delinquents.

The nature of punishment at these stations is not easy to define. Time is wasted, day after day, in the same wearying monotonous routine. It is not expected that the men can be employed for useful purposes, and what little is accomplished, is either for the benefit of the overseers, or else entirely useless. What is called the punishment of the "chain," consists of a heavy cable, to which, at certain distances, the leg chains of the men are riveted, consequently whatever one man does must be participated in by the others. There is something truly brutal and disgusting in this novel species of torture, and he that introduced it deserves to meet the same fate as did the inventor of the guillotine. "The chain" is usually composed of gangs of from thirty to fifty men, and their ordinary task is, that of rolling a heavy log of wood a certain distance one day, and rolling it back the next.

The establishment at Norfolk Island is on a very expensive scale. Sir William Denison says,—“that, in July 1847, there were then on the island 460 of the colonial or second-sentenced convicts—men of the worst possible character, for whose safe custody and discipline there is

" not at present any adequate provision in Van Diemen's Land." Since that time, it is generally believed, that a very great number of these convicts have been removed to Port Arthur, and that those now on the island, comparatively speaking, are few in number. Norfolk Island, it has been remarked, was a penal settlement of New South Wales, and when the convict system was abolished in the elder colony, the island and its population were handed over to the Government of Van Diemen's Land, from which place it is distant 1400 miles. When the convict system terminated in New South Wales, Norfolk Island should have been evacuated, and the convicts removed to Port Arthur; for Port Arthur is to Van Diemen's Land, what Norfolk Island was to New South Wales; it was perfect folly, therefore, to continue both places, when one would have sufficed. Had the Secretaries of State, who were then in office, been made fully acquainted with these facts, in all probability the unnecessary expenditure would have been saved; no doubt, the ministers were purposely misled by interested parties, whose welfare depended upon keeping up two establishments, when, in every respect, it would have been more advisable to have had only one. Had such plan been adopted, much pen and ink work might have been dispensed with, besides the saving to the Lords of Her Majesty's treasury would have been very considerable, and the governor better enabled to have carried out the intentions of the Home authorities as to discipline, by having the convicts stationed within a short distance of his own place of residence. For the protection of the settlement of Norfolk Island, there are 150 men of Her Majesty's 99th Regiment, exclusive of civil officers, and a very numerous body of underlings, some free, and some holding colonial indulgences. There is a commandant, with a salary of £.600

per annum ; a stipendiary magistrate who, in addition to his pay as captain of the regiment, receives about £.100 ; three religious instructors, two of whom have £.250 each, and the other £.200 per annum ; a superintendent of convicts, with £.200 ; and a chief clerk, with £.200, besides assistant superintendents of all kinds—storekeepers in abundance, schoolmasters, both Protestant and Roman Catholic, and some fifty overseers, constables, and boatmen. Rations are provided for all these officials, by the commissariat, and the persons holding the situations have no means whatever of disbursing their salaries whilst remaining on the island. This direct enormous expenditure is kept up for what some persons designate the "*vindictive punishment*" of at most 460 human beings ; because, as to reformation, it must be evident, from what has been admitted even by the Lieutenant-governor of Van Diemen's Land, that no improvement in the morals of the men can be expected.

Tasman's Peninsula, or Port Arthur, has another little government of itself, and the number of employés, and the expenditure on the part of the home treasury, is very nearly equal to that required for Norfolk Island. Then at Point Puer, a projection of land opposite to the chief station at Port Arthur, is a kind of colonial Pentonville, where the enterprising prisoner youths of England were in former times, and still are occasionally, sent to finish their education. At this place there are superintendents, catechists, Protestant and Roman, assistant superintendents, master shoemakers, carpenters, coopers, tailors, blacksmiths, &c., with wardens and other overseers. The boys are taught trades, and here, owing to the lads being congregated together, the initiated in the mysteries of villainy, soon teach their unenlightened companions, as much as they them-

selves are masters of. The experiment of sending lads half round the world to be educated, did not prove to be satisfactory, and now the youths receive their instruction in the mother country, prior to being transported as exiles. In addition to the two principal stations on the peninsula, there are other minor establishments at Salt Water River—the Cascades, Impression Bay, and the Coal mines. At each of these places are religious instructors, Protestant and Roman Catholic—superintendents and their assistants, overseers and their assistants, with the usual accompaniments of a minor penal government. In addition to all these means of disbursing the produce of English taxation, there are two steamboats, besides barques and brigs, employed in carrying stores and convicts to and from the penal settlements. In South Australia there is a population of some 56,000 free inhabitants, and less than one hundred troops are considered as quite sufficient guard of protection—surely the free and freed people of Van Diemen's Land, amounting to some thousands less in number, do not require more troops than do the colonists of South Australia. In Van Diemen's Land there are, nevertheless, upwards of 1600 soldiers, so that 1500 are stationed there, purely on account of the colony being a penal settlement; thus, in rating the actual expense of convictism in Van Diemen's Land, the necessary expenditure for 1500 men, must be added to the direct cost of the penal government. The prisoners' barracks in the city of Hobart are capable of holding about 1200 convicts; there are also barracks in Launceston, and at many other townships and places there are smaller buildings for the reception of prisoners. There are also female factories in Hobart and Launceston, hiring depôts for males, and also others for females—colonial hospitals on a superior scale; and at New Norfolk

is a very extensive and an exceedingly expensive asylum for insane prisoners. There are also lying-in hospitals in Hobarton and Launceston; besides, there is at Cornelian Bay the *Anson*, a 74, used as a penitentiary or probation station for females, with an acting superintendent, receiving £.350 per annum, and also numerous other officers proportionately well paid. These and very many other minor establishments that could be enumerated, might at once all be dispensed with, and thus a wonderful saving effected to the home Government.

The number of convicts at Norfolk Island in 1847 was, according to the Lieutenant-Governor's despatch to the Secretary of State, 460, and as Sir William Denison refers to that period, it will be as well to take the official returns of Van Diemen's Land for the same year; it may here be observed that there are now fewer convicts in the island than there were at that time. The returns then for 1847 rated the males and females in the service of the Government at 9758; another return of the same date gives 6019 convicts under Government, "not including those undergoing punishment*;" consequently there must have been 3739 of both sexes suffering at the various stations and penitentiaries; of the females receiving the Government rations the returns gave 1098, and allowing 98 to be at the hireing dépôts, (which is more than the general average) it follows that 1000 women must have been under discipline in the several female factories; so that the males become reduced in number to 2739. What, therefore, with the military, and the civilians in pay of the Government, as officers of some kind or other, there were, including all the penal stations,

* Those convicts in Government employ not undergoing punishment are workmen in the Royal Engineers' dépôt, overseers, constables, watchmen, and supernumeraries at the different settlements.

more persons employed as convict-keepers than there were convicts actually under punishment.

In looking back to times past it is to be regretted that so much labour should have been uselessly wasted, when it might have been, and the home ministers no doubt thought it was being, most profitably employed for the benefit of the colonists. Setting aside the follies perpetrated at the penal stations, let us examine what amount of labour could have been effected by the convicts whilst working for the Government. The returns of 1847, as we have seen, give 4921 male convicts in Government service—in order to simplify, allow the number to be 5000. Very many of the improvements of the colony were made prior to 1830; but in order to avoid unnecessary calculations, suppose that within the last twenty years everything has been effected, and that during that period the local authorities have always had 5000 convicts available for labour on roads and other public works. Macquarie, whilst Governor of New South Wales, within twelve years, constructed two hundred and seventy-six miles of roads, besides erecting the greater number of the public buildings now standing in Sydney; the population during his time, including free, freed, and convicts, amounting only to about 10,000. Let this be compared with that which has been accomplished in Van Diemen's Land during these twenty years. From Hobart to Launceston is 120 miles, it is the main road across the island, and yet in several places it is not macadamised, and in some parts scarcely marked out. With the utmost liberality it is impossible to admit that in the whole island, more than 150 miles have been constructed. As the colony abounds in stone, proper for road making, and as it is almost always to be had close at hand, any contractor would undertake to make the roads as they have been made in Van Diemen's

Land, for a thousand pounds per mile ; and any master builder would gladly erect every edifice belonging to the Government for £.100,000, so that the value of the public works, if the colonists were required to pay for them, could certainly not be estimated at above £.250,000. The children at the orphan school at New Town, it is considered, including masters, clothing, rations, &c., cost the Government from £.10 to £.12 each per annum. Supposing it possible that, with the expense of military guards, superintendents, rations, teachers, tools, and stations, &c., &c., each convict under Government only cost the sum of £.15 yearly, the expenditure for twenty years for the 5000 men, consequently, would be one million and a half ; so that by this moderate way of calculating, fully £.1,250,000 worth of labour has been utterly wasted, and this is only valuing the work of each prisoner at fifteen pounds per annum. Had the convicts been employed as they ought to have been, there might now have been railroads from Hobarton to Launceston, besides roads constructed leading to all parts of the island, and the at present almost terra-incognita to the westward, might have been opened, and long ere this have been converted into farms and sheep runs. What, however, could be expected when there was no regular order or system attempted to be carried out, regarding public works ? One local officer in command planned a noble undertaking, when removed, his successor abandoned the work, and commenced another. There are stately buildings falling into premature dilapidation, because the architect, in the first instance, laid a slight foundation for an ordinary edifice, and his successor overloaded it with stone ; and there are massive foundations on which weather-boarded buildings are now standing. One Governor commenced a palace suitable for the representative of royalty to dwell in, and a successor

pulled down the walls and rooted up the foundation, and sold the materials by auction ; another Governor made a hobby of a pavilion, spent thousands of public money upon it, and the next Governor converted it into a stable for his cart horses. Such ill-judged expenditure could never have been allowed, had things been properly managed in the colony, or had the Secretaries of State been correctly informed of what was really taking place.

Leaving pecuniary considerations out of the question, and passing by many indirect evils which result from the enforcement of the present penal system, perhaps the most obnoxious procedure of all, is allowing the doubly and trebly convicted felons to be under the same laws as are the free inhabitants—the *Port Arthur ruffians enjoying the same right of trial by jury as do free men*. The whole of the judicial expenditure is defrayed from the colonial revenue, or funds raised from the free and freed inhabitants ; and yet, as it has been seen, nineteen out of every twenty prisoners brought up for trial are British convicted felons. This is assuredly unjust, and there are no provisions made under the Australian bill, by which a remedy may be effected. Frequently does it occur, that a prisoner, whose home sentence was, in the first instance, transportation for life, is placed in the dock, and receives an additional one exactly to the same effect. The chief justice has very often been heard to say, that he did not know what to do with a prisoner before him, upon whom, by the laws of England, he was compelled to pass judgment. “ You are,” said he, to a Port Arthur prisoner about two years since, “ already “ under three several sentences of transportation for the “ term of your natural life ; I cannot, in any way, add to “ your punishment. but I must nevertheless do my duty,

" and pass an additional sentence upon you—which is, " that you be transported beyond the seas for the term of " your natural life." The puisne judge was, on one occasion, heard to remark that a certain British convict had been before him, who was labouring under no less than seven separate sentences of the Supreme Court of the colony.

Some three years back, at the Hobart Town quarter sessions, a very deaf old man was brought up for judgment. His life seemed to hang on a very precarious tenure; it might well be said of him, that he had one foot in the grave, and that the other was on the very brink. The chairman addressed him in his usual tone of voice, but finding the man to be deaf, he called out loudly to him, " Old man, what " are you ?" After some little delay, the prisoner replied he was " a lifer." " Very well," resumed the chairman, " pay attention to what I am about to say. You have been " tried for stealing in a dwelling house, you have had the " most patient hearing, and after clear and convincing " evidence, the jury found a verdict of guilty against you. " The sentence of the court is, that you be transported " beyond the seas for the term of seven years—such " sentence to take effect after the termination of that you " are now undergoing." On this being recorded, the old sinner was about to leave the court, when a javelin-man pushed him back into the dock, for the farce had not terminated. Again addressing the prisoner, the chairman continued, " and, old man, you have also been tried and " found guilty of receiving stolen goods, knowing them to " have been stolen, and the sentence of this court is, that " you be transported beyond the seas for the term of fourteen " years, such sentence to take effect after the expiration of " that just now passed upon you by this court." The English

reader may fancy such proceedings perfectly ludicrous—but it is astonishing how soon people become accustomed to folly.

By way of more clearly illustrating the injustice under which the colonists labour, as regards the trial of the convict population, it will be as well to describe the method of trial adopted towards a Port Arthur felon. Forty-eight respectable free inhabitants are summoned to attend, as jurymen, and if not present in the supreme court, as the clock strikes ten, when all their names are called over, they are each fined for neglect of summons, from five to ten pounds, just as it may please the humour of the presiding judge. After this introductory ceremony, a prisoner in yellow clothes, from No. 1 chain-gang, Port Arthur, is placed at the bar. The clerk of the court dips his hand through a hole in the lid of a small wooden box, and one by one draws out twelve cards—the name of a jurymen is written on each. The twelve persons whose names are just drawn, take their seats in the jury-box. The prisoner about to be tried then claims his *right* of having counsel appointed to defend him, and a leading barrister is appointed by his honour to arrange the defence. On the jury being about to be sworn to “well and truly try” the prisoner at the bar, the counsel for the prisoner will challenge some of the jurors, as if it were by way of amusement; or perhaps he may think it advisable to make some show, of work and labour done and performed, for money to be had and paid out of the *colonial funds*. The jury being arranged that are to try their “*peer*” the yellow-jacket, one would naturally imagine that the thirty-six exempted jurors might leave the court, and proceed to their usual avocations; but this is not permitted—rain or sunshine, all are compelled to await in the uncovered purlieus of the court,

in case they may be wanted. The trial proceeds, and the prisoner's counsel, not being able to pick a hole in the indictment, witnesses are called and examined. Then are objections taken as to what is, and what is not evidence—whether this or that may be received. The convict on his trial is of no consideration whatever, and the jury are of very little importance. Matters of law are argued for hours together, and the Attorney-General brings forth all his legal knowledge, and perhaps an ex-Attorney-General, like a skilful tactician meets his adversary at every point. It is like a game of chess—very interesting to the players, and to those who can understand the game, but very insipid to the lookers-on, who know nothing about the moves. The question as to the guilt or innocence of the felon in the dock before them, has nothing whatever to do with the game, for the play depends upon the Attorney-General moving his pieces properly, and bringing them up safely for the attack—the prisoner's counsel playing the defensive. The day draws to a close, candles are lighted, and night approaches; the jurymen have for hours enjoyed an uncomfortable sleep, with their eyes open, and the Judge declares he can hold out no longer—he therefore adjourns the court till ten the following morning. His honour returns to his own comfortable mansion, and partakes of an excellent dinner, and a superior bottle or so of wine, and then retires to bed; and all the officers of the court, as nearly as they possibly can, follow his good example. The gentlemen of the jury are not so allowed to proceed to their homes, to discuss their dinners, and their wine; they are handed over to the custody of the under-sheriff, who takes them to an inn, and allows them to obtain such refreshments as may be compatible with gaol regulations, provided they pay the landlord for what they order; and as to beds, they may just

suit themselves as they best can, so that they remain in one room locked up, with a javelin-man at the door as sentry over them. The next morning, at ten, the belligerent lawyers appear in court, refreshed, and all ready for the renewal of the game; the poor jurymen are there also, looking, to use a somewhat trite expression, "rather seedy," after their last night's uncomfortable lodgings. The proceedings are continued a second day, and sometimes even longer; but as there is an end to all things, so the trial at last terminates—perhaps both sides, being wearied out, are willing to give up the game, and let the judge express his opinion of the play, in the shape of a summing up charge to the jury. This ended, the jurymen retire to consider their verdict, and some obstinate individual among their number holding out, they are a third time handed over to the custody of the sheriff, who again confines them, till the law allows the verdict of the majority to be taken. The verdict is at length legally given, according to the necessary forms; perhaps it is "guilty," perhaps "not guilty,"—whichever way it may be, it is all the same to the convict; for if guilty, after receiving his sentence, or if not guilty, without receiving any sentence, he is shipped on board the next steamer for Port Arthur, and the following day is working in No. 1 chain-gang, with his very same old companions, and receiving the very same description of rations he did before he was sent up to Hobart Town on the "*slant*" for trial. The decision of the jury, however, is looked upon as of considerable importance to the contending barristers; it is in fact a declaration as to who has won the game.

It is now requisite that the reader should be informed of the manner in which convicts are fed. The rations of the probationers have already been given, but in order to prove

how ample they are, it will be as well to set them in juxtaposition with those of the soldier.

The soldier per diem.	The convict per diem.
1 lb. of meat.	1 lb. of meat*.
1 lb. of bread.	1½ lbs. of bread, or 1 lb. of bread, and 2 lbs. of vegetables.
About one gill of rum and 6d.	1 oz. of sugar.
	½ oz. of soap.
	1 oz. of roasted wheat, or ½ oz. of tea.
	½ oz. of salt.

The twice convicted, or men in the chain-gangs of the penal settlements, receive daily,—

½ lb. of meat.
1½ lbs. of flour.
½ lb. of vegetables.

As the 1½ lbs. of flour is more than can be fairly consumed, tobacco may be purchased, free of duty, for the flour†. To give convicts more rations than *can fairly be consumed*, may appear somewhat startling, and further, that

* Until lately the rations were 10 lbs. of meat and 10 lbs. of flour weekly, besides the additional enumerated above.

† At page 131 reference is made to the British troops *receiving freedom from servitude immediately on landing in the colony*.—It is unnecessary to go back to former times and explain the Sudds and Thompson affair of New South Wales, suffice it that in order to prevent the soldiers from committing crimes in the colony of Van Diemen's Land for the express purpose of obtaining transportation, and thus enabling the offender to be dismissed the regiment, the rule now is that all soldiers who receive sentences of transportation are returned to their own regiments at the expiration of the terms of punishment. And yet, even with such prospects of servitude before them, it frequently occurs before a regiment leaves Van Diemen's Land for India, that numbers of the men commit offences for the express purpose of remaining behind as convicts.

such men should be allowed the luxury of tobacco ; but, lest such assertions should scarcely be credited, Sir William Denison's own words can be given : (See Appendix, D.)

" On my visits to the different convict stations, the inspection of the books and records of punishment showed me that the desire of obtaining tobacco led to a great deal of irregularity and to an enormous amount of punishment ; the possession of tobacco in however small a quantity, is an offence punishable in a variety of ways, yet the temptation to indulge in its use is so great as altogether to overpower the fear of punishment, and every kind of petty pilfering is resorted to, in order to obtain means of procuring this luxury by bartering with those who are allowed to possess it. This has very frequently led to instances of trafficking between the officers and the convicts which must of course be destructive of all discipline ; and such trafficking is constantly going on between the soldiers and the convicts, producing effects detrimental to both. All these ill effects will at once be put a stop to by issuing to well-conducted convicts an allowance of tobacco as part of their ration. The ration at present consists of three-quarters of a pound of meat, one pound three-quarters of flour, and half a pound of vegetables, when they can be procured ; by reducing the allowance of flour, which is more than can fairly be consumed, and substituting for it an equivalent in tobacco, not only will the tendency to the evils mentioned above be done away with, but a powerful additional inducement held out to good conduct ; the arrangements for the change are not yet complete, but I hope to be able to report the adoption of the plan and its successful working in the next half-yearly report."

To render justice effective, punishment must speedily follow the crime, be certain, and be proportionate to the offence committed. Directly an offender is apprehended, he should forthwith be brought to justice, and the infliction of the award should immediately follow. Witnesses should be examined, as soon as possible after they have seen the crime perpetrated, and not, as is now the case, be called upon first to give an outline of the occurrence before a magistrate, and then be allowed time to prepare their state-

ments for the day of trial. Those accustomed to criminal proceedings, know perfectly well, that the depositions taken soon after the transactions occur, and the evidence adduced before the court and jury months afterwards, are often directly at variance with each other. Witnesses are placed in the box to offer certain proofs; frequently their memories fail; or they are confused at being exposed to the gaze of the crowded court; or they are puzzled by the examination, or cross-examination of the counsel, and they give testimony quite contrary to that expected. If a man cannot describe what he saw, and report what he heard, to a magistrate questioning him, when the occurrence took place only a few hours previously, his recollection is not likely to be improved after the expiration of some months delay. The memory is frequently very treacherous, and we all, occasionally allow it to impose upon our reason. A witness gives a version of an affair, generally, in the first instance, according to the best of his belief—that is, if he be uninterested in the transaction: when called a second time, he has had leisure to think over the matter—to recollect, in other words, *to improve his memory*, the version then frequently becomes altered, and, by degrees, the original story is lost sight of altogether, and another substituted in its stead; yet the man offering the latter statement, himself verily believes it to be the more correct. An instance exemplifying the manner in which the mind may be tutored or guided by degrees, occurred three years back in Van Dieman's Land. A young woman was found drowned in the Derwent. A New Zealand lad lived as one of the servants on the premises where the deceased had resided. On the inquest, the boy was called and questioned, and all he knew about the transaction amounted to nothing at all. He was examined a second time, and what he stated took

place was not, even then, considered of the least importance. All kinds of suspicions were soon afloat, and the conversation of the neighbourhood, as might naturally be expected, was respecting the manner in which the girl came by her death. The New Zealander, from hearing various suspicions, began to have them impressed on his memory as facts—probably he, in the first instance, fancied that he might have seen, and then conviction came that he had seen, certain things. Being unable to speak the English language, an interpreter was engaged, and altogether the lad became somewhat of “a lion:” the result ultimately was, that, from remembering nothing at the beginning, in the end he knew quite sufficient to swear away the lives of three men and one woman; that which he did at last attest was, when too late, discovered to be totally inconsistent with the truth and reason—for it became soon evident that the girl met her death by the means of one man only, and that individual is supposed to be now alive, and residing in England. Had the course of justice been prompt, if the guilty had not been brought to trial, at all events the innocent would have been saved, for the New Zealand boy would not have been instructed in his evidence. Let suspicion once fall on any person, and proof accumulates like snow on the rolling ball; once place a man in gaol, and the question becomes, what can be produced to prove guilt, not what can prove his innocence. It remains with the prisoner to clear himself of the accusation, and when in custody he is not likely to be enabled to procure the evidence he could, were he at large. Whilst, however, he is incarcerated, the case is being regularly “got up” against him. Summary justice would put an end to all these evils. Extending the power of the magistracy, and enabling the magistrates to effect summary jus-

tice, would indeed be a great benefit to society. Do away with the old laws and frame new ones, in which nothing shall be left to chance—never mind what the wording of an indictment may be, whether according to a perfectly unnecessary jargon, a prisoner be charged correctly or otherwise. The accusation, on the bit of sheep skin, can have nothing whatever to do with the fact of guilt, or innocence. According to the evidence ought the accused to be tried, and life or liberty, should not be dependent on mystic forms of dark ages. There surely is something monstrously absurd in placing a man in the dock, and seriously telling him that he has been instigated by the devil to do a certain act; in other words, admitting that he was not a free agent on the occasion charged, but was under the control and guidance of his satanic majesty, and yet is to be accountable for the deed when so influenced. The subtle gentleman being personified, the law would require him to be indicted as a party accessory before the fact; or the accused might be defended on the ground, that as agent, his principal should be tried as the more guilty; but, then, were objections like these taken, it would be argued that “it was only the form!” It is only mere matter of form, that a man may be charged with stealing eggs, but if it is not proved of what kind they are, the trial is at an end. Surely reasonable beings cannot require that the wording of a charge should be—that the accused, instigated by the devil, did, on a certain day, at a certain place, with force and arms, wilfully, knowingly, &c., take, carry away, &c., a certain number of eggs, the produce of ducks and drakes, belonging to our sovereign lady the Queen, &c.—were nonsense like this to be allowed in ordinary transactions of life, Englishmen would be the ridicule of the world.

As regards punishment, nothing should be left to hazard. There are among some communities, too many educated in vice—who gain their daily bread by dishonest means; these know and calculate the chances of the law to a nicety; they know what the odds are, that on committing an offence they are not apprehended; then that they are not committed for trial; then that a true bill will not be found; then that the trial before the court will break down:—and lastly, that they will after all only have a moderate sentence passed upon them. Character cannot be pleaded when the written laws are infringed, and thus does it frequently happen that a first offence is punished equally as severely, as if it had been frequently perpetrated. As regards the number of free population, there are fewer offences committed by the free in Van Diemen's Land, than in most parts of the world; it is, however, only the dread of the severity of the punishment that prevents the crime: the free man, as it has been explained, if convicted, is at once sent to herd with the doubly-convicted felons at Port Arthur. This may be unjust, in not allowing the free offender in the colony, to be on equal terms with the free offender in the mother country, but it is, nevertheless, just to the community for the best of reasons—it prevents the perpetration of crime.

If summary justice be advisable in England, how much more so is it necessary in the penal settlements; could such a case occur as the following, which took place some little time since in the Supreme Court of Hobarton:—A miserable looking yellow-clothed Port Arthur prisoner was in the dock. he had pleaded guilty, but before it was recorded, the Chief Justice, in no very mild language, told the man, that if he imagined that in consequence of his so pleading there would be any mercy held out to him, he was very much

mistaken, that he had better withdraw his plea, and stand his trial: the convict hesitated, but ultimately abandoned the plea, and one of "not guilty" was entered on the record. The trial began, and, owing to some technical error, almost immediately broke down—to use a common expression, the prisoner was "turned up"—the Judge, like a cat that had been playing with a mouse, and had allowed it to escape, was very angry; he told the convict that there could be no doubt about his guilt, indeed, that he was willing to admit himself guilty, and that as he was a prisoner of the crown, he should take care to represent the case in a proper quarter, and have him punished. Another case occurred where several convicts were brought to trial before the Quarter Sessions, for stealing and slaughtering cattle within a few miles of Hobarton. There was not the least possible doubt, that the prisoners were all of them guilty of the offence charged, but the jury were directed by the chairman to find a verdict of acquittal, merely because some technical link in the chain of evidence was wanting. The case was brought under the consideration of the Comptroller-General—he immediately had the men placed before him, had the several witnesses summoned, and the evidence was gone into afresh, when that officer found the prisoners guilty, and sentenced them to various punishments. What was the use then, in the first instance, of bringing the Port Arthur convict before the Supreme Court and a jury of free men, when the Government had the power to punish the offender, even if the laws would not allow him to be found guilty; and what, in the last instance, was the necessity of taking the prisoners before the Quarter Sessions and a jury of free men, when the Comptroller-General could himself punish, even when the laws could not? Leaving England out of the question, there can be no doubt whatever, but that in Van

Diemen's Land summary justice is what is required, as regards the convict population. The colonists have no right to be forced to sit as jurymen on felon's attain— the free inhabitants of the colony have no right to be placed on an equality with the Port Arthur convicts—no right to be considered the peers of men, that have not only been by their sentences outlawed in Great Britain, but, by their transportation to Port Arthur, must have also been outlawed in the colony. Instead, therefore, of elevating the Port Arthur, or even the assigned convict, to the same footing as the free jurors, how much more advisable would it be, to allow the local authorities to take charge entirely of the trials of all prisoners: and, instead of compelling free inhabitants to sit as jurors, institute at once some description of courts martial. Surely the same forms that are required for the enforcement of discipline among British sailors and British soldiers, would suffice to protect the rights and liberties of convicted felons: and the same severity of punishment, at the very least, ought to be enforced in regard to convicts, as would be the case in the British army and navy. Were courts martial introduced, not one third of the offences would be committed by the convicts—the summary proceedings and the certainty of the punishment, would have the effect of deterring crime. As regards the free inhabitants, the introduction of courts martial in all cases wherein the accused are prisoners of the crown, would at once release them from the most serious degradation, and they would then be no longer the *peers* of twice outlawed convicts of the penal stations.

From the desire manifested by the present Secretaries for the Colonies, to relieve the colonists from their grievances, it is to be hoped that the evils complained of will no longer be permitted; and that even should the recom-

mentations as regards penal discipline, not be sanctioned, that nevertheless martial law as respects convicts will be immediately ordered. Supposing, however, that the proposals about to be made receive the approval of Her Majesty's ministers, still will the enforcing martial law be most advisable, both as regards the prisoners of the crown that may be remaining in assignment, as also for such convicts as may be undergoing punishment at the penal stations.

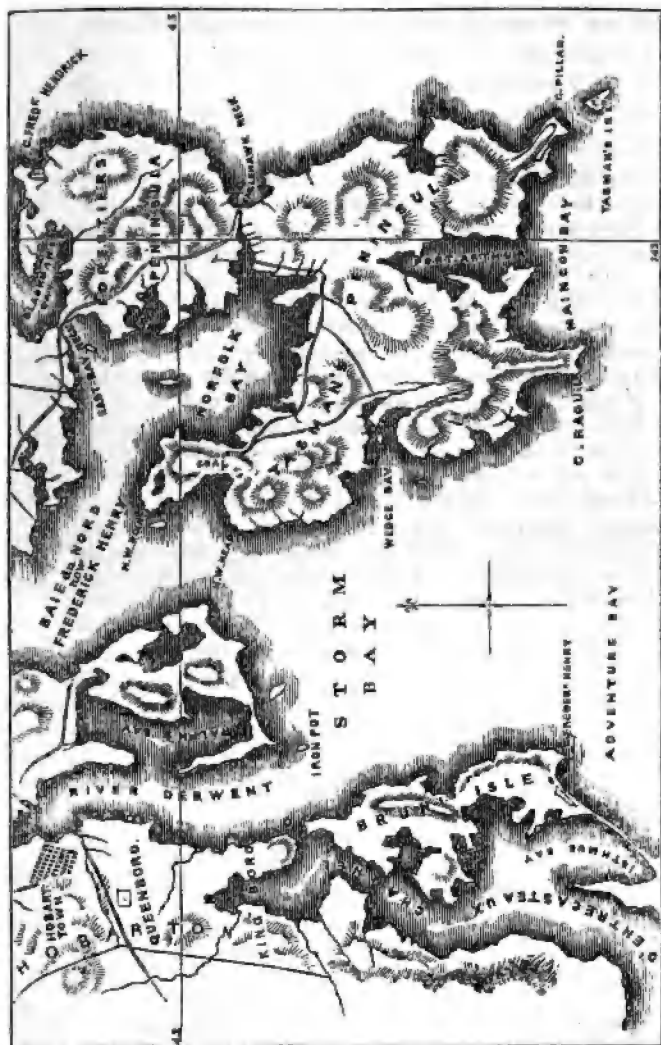
The discipline that is now enforced in the settled parts of the colony is degrading, in every sense and in many respects oppressive to the British subjects residing in the island. The systems adopted at the penal stations are unquestionably not reformatory to the convicts, but on the contrary, only render men unfit to dwell among civilised human beings : and as regards the mother country the whole proceedings are unjust and injurious : unjust because a bonus for crime is held out to the poor—and injurious inasmuch as vast sums of money are wasted, which might otherwise be beneficially employed. When the destitute of the great metropolis are told, that rations of one pound of meat and one pound and a half of bread, besides vegetables and luxuries, and wages of nine pounds a year, are to be given without any actual punishment, it must naturally make the starving envy the comforts of the transported offenders ; when the destitute are informed that men in the chain-gangs at the doubly penal stations receive more flour than they can *fairly consume* : and that tobacco, free of duty, is allowed, is it to be wondered that crime is on the increase in the parent state, and that so many are seeking the advantages to be derived from expatriation ? The commonality of the people are learning that the horrors of convictism have little to do with transportation, and that it is only *secondary convictions*, or offences committed in the

colony, that entail any kind of punishment, and that the crime then must be of a grave description, that will lead the way to the penal stations.

In the city of Hobart are many chain-gangs, composed of men undergoing colonial sentences, and the same may be said of Launceston, of Oatlands—indeed, of almost every town and township in the interior. On the arrival of a stranger he at first shudders at the sight of so many men working in irons, and a feeling of horror creeps over him, nor does he overcome the sensation, until his ear becomes habituated to the music of the chains, as they are rung by the convicts at their work. If the sight of men undergoing punishment whilst ironed, in herds, is so revolting to the sensitive feelings of the English nation, that the people will not submit to endure the sight of the torture, surely the same impression must prevail among the free colonists, until such time as they become callous to all refined feelings. It cannot be imagined that a four or five months' voyage alters the nature of Englishmen, and that consequently a British subject in the colony, is differently constituted from what a British subject is in the mother country; yet what would be thought were a gang of some two hundred men wearing heavy chains on their legs to pass up and down the pavement of New Bond Street some four or five times a day? The bare idea would be actually horrifying to the minds of some, and yet the inhabitants of the city of Hobart are obliged to submit to the degradation, for gangs are almost continually passing along their most fashionable thoroughfares, and the promenades of their city. The Governor soon after his arrival in the colony becomes habituated to the sound of the rattling of chains, for gangs pass frequently before the front entrance of Government House, and other gangs are now constantly working at the

rear—besides, how many thousands of convicts are there mingled among the free population? In speaking of that class of men suffering under punishment and the horrors of convictism, one of the Legislative Counsellors observed—

“ The system in operation is calculated to brutalise men—not humanise them. I have heard of their being yoked to ploughs, and worked like bullocks. I have seen them yoked in carts and to rollers. Does such a system not brutalise and degrade men to the level of beasts? And what, I ask, is the effect of witnessing such degradation? and what, I ask, is the effect upon the young? Why, to blunt their better feelings. Can children witness scenes of daily occurrence in this very town without having the freshness of virtue destroyed? Does the census not exhibit the disparity between the sexes, and have we not revolting evidences of the consequences? and yet men are to be found who advocate transportation. No—there is not one man in the colony, who dares publicly advocate its continuance, however in secret he may support it. The sale of goods, and not the good of the convict, is the moving principle. Convince me to the contrary, and I will go with you—but it is monstrous to talk of such a thing. Is it not, then, our duty as men, as Christians, as parents, to protest against such cruelty and injustice? Sir William Denison may not feel in this way,—he may have different views;—but the Governor can only be looked upon as a gaoler, his officers as turn-keys, the settlers as materials for carrying out the Downing Street system of prison discipline, and the colony as a great gaol—a vast sea-girt penitentiary.”




CHAPTER VII.

PROPOSALS FOR OBVIATING THE DIFFICULTIES ATTENDING THE
TRANSPORTATION OF CONVICTS TO VAN DIEMEN'S LAND—THE
HOME GOVERNMENT SAVED A VERY CONSIDERABLE ANNUAL
EXPENDITURE — THE COLONISTS BENEFITTED, AND THE
OFFENDERS REFORMED.

CONVICTISM being, confessedly, unjust and injurious to the free inhabitants of Van Diemen's Land, and the people having now the means of managing their pecuniary affairs, they will most unquestionably make strenuous exertions to abolish the system altogether. The British Government must, however, have some place whereto they can send their convicts. To establish new settlements would be exceedingly expensive, and, even if suitable positions could be discovered, it would take considerable time before effective penal stations could be formed. Van Diemen's Land is peculiarly adapted for the enforcement of prison discipline, and there are at present on the island the requisite establishment of officers, to carry out any convict plan that it may be considered advisable to adopt. Whilst on the side of the colonists, it is most desirable that transportation should cease, it is, on the other hand, absolutely necessary that it should be continued, or the Home Government would be perplexed, to know what to do with the prisoner population. Let us, therefore, consider whether

the interests of all parties cannot be united in carrying out a system of penal coercion which shall benefit the colonists, reform the offenders, and yet save a very considerable yearly expenditure of British money.

All convicts under punishment in the settled districts of Van Diemen's Land should be immediately withdrawn, and removed to penal stations, to be formed on Tasman's and Forestier's peninsulas.—Norfolk and Maria, Islands, and all other penal stations, except those that are on the peninsulas, should be forthwith evacuated, and the convicts undergoing punishment in them removed to the peninsulas; and all prison ships that may in future arrive, should land the convicts at these penal stations. On looking at the chart, it will be seen that Tasman's and Forestier's peninsulas could not be better formed to suit the required purpose: the two are joined together by a narrow neck, and the inner one, Forestier's, is united to the main land by an isthmus, called East Bay-neck. The islands, or peninsulas, contain, according to a rough estimate, about 100,000 acres; some parts are hilly, others are suited for cultivation; and in many places the land is heavily wooded with the finest ship-building timber. The distance of the nearest part, that of North-west Point of Tasman's, to Hobarton, is, as the crow flies, only about sixteen miles. There is at present, telegraphic communication between the settlement at Port Arthur and the city, and a submarine electric telegraph might be laid down without any considerable expense, there being no heavy surfs to injure the wires. The peninsulas, from their position, have the advantages of proximity to the city, and yet convicts placed there would be in perfect security—and the inhabitants of the settled districts could not have any means whatever of interfering with the discipline, it might be considered advisable should be enforced.



The first necessary works would be to strongly fortify East Bay-neck, and for this purpose, a wall or rampart would be desirable, and at that place should be the military depôt, from whence the settlements should be supplied with troops, or military guards. It would also be requisite to have another military station on the neck between Forestier's and Tasman's. At both places the convicts now at Port Arthur could be employed to make the defences ; and as neither of the positions are very many yards across from the deep water in the bays on either side, ramparts or walls would enclose the settlements, and render them as secure for the keeping of convicts, as if the islands were hundreds of miles distant from the habitable world. Tasman's should be appropriated to the stations where the most stringent discipline should be carried on ; and the inner peninsula, Forestier's, reserved for the convicts undergoing a less severity of punishment. By removing the prisoners to these stations, there would be no injury inflicted on the commerce of Van Diemen's Land, because the same amount of supplies would be required for the settlements on the peninsulas, as are at present being delivered at the various stations in the interior.

All prisoners now in assignment, might be allowed to remain with their masters ; but, in the event of crime being perpetrated, the offenders, instead of being worked in gangs in the towns, as heretofore, should be removed to undergo their punishments at the penal stations. The effect of such a regulation would be to prevent crime among the assigned convicts, for very few would be found hardy enough, to risk the experiment of testing the new system at the peninsulas.

The pass-holders, or probationers—and, indeed, all convicts that are not actually suffering punishment under

Government, should be required to *serve a specific period in assignment—say two years*—and then be entitled to the colonial indulgences of conditional freedom ; which *pardons should allow them to reside in any of the Australasian settlements*. Those prisoners now *holding their tickets of leave*, should at once receive the *conditional freedom*, and be allowed to *leave Van Diemen's Land* for the *neighbouring colonies*, whenever they might think proper. By these arrangements, prisoner labour would not be suddenly withdrawn from the island ; on the contrary, the settlers and townspeople, if they please, may continue to employ assigned convicts, or ticket of leave men.

As it is advisable that there should be one uniform system, all crown prisoners of every description, under the old, and under the new regulations, should be treated alike, and the period of *servitude reckoned from the date of the arrival in the colony*. As regards some convicts, the proposed plan would be affording mercy, and none would have reason to complain : because the two years of good conduct passed in assignment for a conditional pardon, (without the intermediate ticket of leave,) would be far more favourable than any leniency they had a right to expect, or even a hope to anticipate. Let, however, the past be forgotten, “ be merciful to their unrighteousness, and their sins and their iniquities will I remember no more ;” but let it also be perfectly and most *distinctly understood*, that, for the future, *transportation will be enforced in such a manner, as not only to reform the offenders, but that the punishments to be inflicted, shall also serve as examples to others*.

The whole of the convict population being removed to the peninsulas, the next consideration is, the manner in which the prisoners are to be classed. There should be six distinct settlements or stations—three in Tasman's,

and three in Forestier's; and the prisoners at each should have a peculiar coloured dress, by which means, it would be known the moment a man is seen, to what class he belonged. The sixth station should be the lowest, and the most severe discipline there enforced; at the fifth, some little of the severity should be reduced; at the fourth, more leniency shown—and thus the punishment decreased till the highest or first-class be attained. On a convict entering any of the stations for punishment, he should remain there *twelve months from the hour of his arrival, to that of his departure*. There should not be authority vested in any person to mitigate the most trifling portion of the yearly punishment: whatever judgment be passed upon a guilty prisoner, let it be enforced to the very letter: let time for consideration be given before the sentence be determined; let the utmost mercy, so that it be compatible with justice, be shown before the award be determined, but never afterwards; and let there be no escape, but by servitude. Transporting a man, at present, for life or for a shorter period, does not entail any certain amount of punishment, for scarcely one in ten ever suffers the actual period awarded by the law.

It is the knowledge that convicts soon after their arrival in the colonies, are benefitted by transportation, that does the mischief among the lower, or rather the criminal order of society in England. If, however, it were generally known that a new system of undoubted severity was to be enforced for the future, it would unquestionably reduce the amount of crime. If the London thief knew that punishment was to be the inevitable consequence of offending the laws, he would indeed pause before he committed a crime that would certainly entail a *definite period of misery*.

All convicts receiving sentences for life should be placed in the sixth station; those of twenty years in the fifth;

and those of ten in the fourth ; and those that are to suffer for shorter periods, in the higher classes. Every prisoner, at the *expiration of his year's servitude should be removed to the next station in seniority*, unless his conduct has been such as to deserve an additional sentence in the station in which he is serving. By these arrangements, *men would not be contaminated ; individuals guilty of minor offences would not be classed with the ruffians* who had perpetrated the worst of crimes : or if they do meet with offenders that have risen from the lowest grade, the *fact of the men having so advanced, would be the best proof that, during the years of probation they had been suffering, they had so conducted themselves, become so far reformed, as to deserve the elevation.*

Every station the convict entered, he should find *better rations, more personal liberty*, and consequently, less severity of discipline. There should be for *every prisoner a certain prospect of rising, at a definite period*, unless *he himself hindered his own progress* by his own bad behaviour. With such certainty before him, there would be sufficient stimulus for good conduct. As each prisoner rose, so should his former deeds be forgiven and forgotten. " His transgressions that he hath committed, they shall not be mentioned unto him ;" and as he advanced to a superior station, no questions should be asked as to what he had been, but the necessary passport should suffice to prove him to be reformed, and deserving the improvement in his circumstances. As it would be advisable that each station should be perfectly distinct from its neighbour, the new companions need not know what were the original offences committed by each other ; the yearly movement every one would make, would prevent the men from forming evil associates, or from becoming too intimately acquainted with each other.

The first or highest station, should be subject to such regulations as to render it, as nearly as possible, similar to the free settlements. During the year's probation in that class, the sufferers should be allowed to employ a portion of their time in working for their own benefit, and the Government should purchase the articles produced, and give the prisoners the proceeds on their leaving the settlement. The Government should, in this respect, adopt the American plan, and *sell for exportation* the goods manufactured in this upper penitentiary. By thus employing the men, they would not, when their terms of punishment expired, be cast upon the world penniless : and thus, by necessity, be forced to steal food for their support ; —on the contrary, they would have means to keep themselves, until work of some kind could be obtained. Men thus reformed, so as to be deserving of mixing again among the civilised portion of society, should be allowed to select what adjacent colonies they pleased : and at regular stated periods should have free passages given to them by the Government.

Under the arrangements described, the whole system of penal discipline would be concentrated, as it were, into one focus. A commander or governor, and six commandants, one for each station, would be enabled to carry out the whole convict discipline, and render it perfectly effective ; and as to the saving to the Home Government, surely it need scarcely be observed, that a mere tithe of what is now required, would be quite sufficient to defray the necessary expenditure. Norfolk Island, and its expensive government, Maria Island with its expensive government, and all the other little penal stations with their expensive governments, would be at an end. The numerous vessels now employed as transports would not be required, for the two

steam-boats, which are now at work, would afford sufficient means of conveyance for the stores that would be wanted at the different settlements.

Having thus shown how advisable it is that the convicts should all be removed to the peninsulas, the next consideration is, in what manner *the labour may be rendered profitable to the British nation*. Convicts have, for many years, been employed in the dock-yards in England, in doing the drudgery of the work in ship-building. Convicts, under inefficient arrangements, have built vessels at Port Arthur, and all the work has been accomplished by the prisoners themselves, with one free master ship-builder as superintendent. If, therefore, with imperfect superintendence, such kind of men have been able to send vessels to sea, what might not be effected under judicious management, and with proper and efficient shipwrights sent out from England expressly for the purpose of carrying out such important works. Docks of all descriptions might be soon formed, and the labour now utterly useless, might be employed in preparing, ready for sea, fine stately vessels. The timber, the blue gum, is the best of all woods for ship building, and it is to be had in almost unlimited quantities. It is valueless as it is, rotting on the ground : labour is all that is required to convert it into first-rate men-of-war ; the wood is not subject to the dry rot, and when struck by shot, will not splinter—a bullet will bed itself, or pass through a gum plank, and leave much the same kind of orifice as it would, were it sent through a paper mill-board. Vessels that have been built with the wood upwards of forty years, are as sound to all appearance, as far as the blue gum is in question, as the day they were launched ; in others that have been repaired, the repairs have continued sound, whilst every other timber and plank in the vessel, have

become rotten ; spars of all descriptions can be had, in toughness not to be equalled, the stringy-bark or the swamp wattle are well adapted—they are heavy it is true, but should lighter ones be required, they can be procured from New Zealand. The island abounds with iron—smelting works and foundries for guns and anchors, &c., would be necessary ; and as to coals, the Port Arthur mines supply the City of Hobart with fuel, and have done so for many years. The New Zealand flax can be worked into cordage or into sail cloth—exery article, in fact, that is required in fitting out a line-of-battle ship can be had on the spot, or in the immediate neighbourhood. There can be no reason then why the same builders with the same class of workmen can send a frigate to sea from the dockyards in Great Britain, and yet not produce vessels equally well found from Port Arthur. Ships there constructed might be despatched to England loaded with blue gum* and other woods for the arsenals in Great Britain. In thus disposing of the craft, the ship-building interests in the colony would not be interfered with, and the cost of vessels of war to the British nation, could not, under any circumstances, be nearly one-half what it now is. Another advantage would result from making one of the settlements an extensive dockyard—the men-of-war in the Indian and Pacific seas might put in there for repairs, and thus very considerable saving be effected, for it is pretty well known what exorbitant charges are made by shipwrights at the Cape and in

* Sir William Denison recommends that the hulk *Anson* should be refitted and loaded with blue gum, and sent to the dock yards at Woolwich—but why send the wood to be worked up in England, when there are so many hands requiring employment in the colony? Sir Wm. Denison has lately sent samples of the wood to the Lords of the Admiralty.

the Mauritius. Such repairs would cost the Government little or nothing, beyond the rations consumed by the convicts. The position of the two peninsulas point out clearly that they are the places of all others for the grand naval depôt of the southern seas ; they are intermediate between the Cape of Good Hope and Cape Horn, thus commanding the Pacific and the Indian oceans.

There are at present agricultural stations on the peninsulas, and, properly managed, after a while sufficient grain and other vegetable productions might be raised to supply the whole of the several establishments : and it would not be requisite to send the grain produced to the Hobart markets so as to interfere with the interests of the settlers, but should there be a surplus, it might be exported to England. The coarse kinds of woollen fabrics might be produced—the wool purchased in the colony—and, instead of sending the raw material to England, and receiving it back again in the form of blankets and slop clothing, it might, without any such expense, be converted into the articles required. Each of the six stations should have one or more of the establishments described, and the work of each should not be interfered with by the others ; so that convicts after having passed through the various grades, would, when sent to gain their livelihood, know something more about general labour, than the mere art of breaking stones. Tradesmen, such as shoemakers, tailors, &c., would be required at every station, and these might carry on their own trades through all the advances of the several stations.

The classes would, therefore, be thus defined :—

TASMAN'S PENINSULA.

Sixth Station, should consist of persons now undergoing punishment at Norfolk Island ; and in future all such

as may be transported for life: the solitary system might here be judiciously enforced, excepting during working hours. A strong military guard would be absolutely necessary, say one soldier to every six convicts. The labour of the men should be employed in the present coal mines. Their rations per diem—

Flour (10 per cent.*) 1 lb.	||	Meat $\frac{3}{4}$ lb.
Vegetables . . . 2 lb.	||	Salt, Soap, (each) $\frac{1}{2}$ oz.

There would not, after a short time, be many men in this station; but should there be more than required for the working of the mines, they might be employed in excavating docks, and effecting other public works. After undergoing the severity of this settlement for twelve months, the prisoner should rise to the

Fifth Station.—At this should be placed, the convicts that are now suffering punishment at Port Arthur, and all prisoners should be sent here, whose term of sentence is 20 years. The military guard might here be reduced, say one soldier to ten prisoners, being quite sufficient. The labour should be employed in the smelting of iron, and in iron works. The daily rations—

Flour (10 per cent.) $1\frac{1}{4}$ lbs.	||	Meat $\frac{3}{4}$ lb.
Vegetables . . . 2 lbs.	||	Salt, Soap (each) $\frac{1}{2}$ oz.

The men would be more numerous than at the sixth station, and if sufficient numbers could not obtain employment in the iron factories, they might be worked in excavating, and in erecting public buildings. The year of probation passed, the prisoner is removed to the

Fourth Station.—Here the probationers from Maria Island, and other minor penal settlements, should be placed; those gangs at present consist of men that have been less severely sentenced, or those that have undergone

* That is meal from whence 10 per cent. of bran has been extracted.

a certain amount of probation. The transports for ten years should be forwarded to this station. The military guard would not be required to be nearly so strong as at numbers five and six. The men should be employed in the making of rope, sail-cloth, woollen articles, &c. The rations—

Flour (10 per cent.)	1½ lbs.	||	Vegetable	. . .	2 lbs.
Meat	. . . . .	¼ lb.	||	Salt, Soap (each)	. ½ oz.

At this station the prisoners would be very numerous, and might be well employed in the several branches of manufactures described. This would be the principal settlement on Tasman's, and a very important one, on account of the different factories. On the year of servitude expiring, the prisoner would be removed from Tasman's and enter

FORESTIER'S PENINSULA.

Third Station.—Here should be placed probationers that are now working in the Government employ, but not undergoing actual punishment—that is, such men as are merely serving their time of probation. The police on this station, and all those on Forestier's, should be composed of the more orderly convicts—no military, not even as sentries on the stores, would be required at either of the three upper settlements. The main military dépôt would be close at hand, should such a description of force be necessary, which is not at all likely ever to be the case. Here the prisoners would be more numerous than at the lower stations, and this and the second, should have the labour expended, in all the various branches of ship-building. The rations—

Bread (of 12 per cent. flour)	1½ lbs.	||	Sugar	. . . . .	1 oz.
Meat	. . . . .	1 lb.	||	Roast Wheat 1 oz. or tea	¼ oz.
Vegetable	. . . . .	1½ lbs.	||	Soap and Salt, each	. ½ oz.

There would be little difference between this and the next senior class, the men being similarly employed.

Second Station.—Men, on reaching this, would then only have two years to serve. There would be very little trouble in keeping them in order ; the prospect of freedom would be sufficient stimulus. The rations should be the same as the last, and the only difference would be the lesser period of servitude the prisoner had to suffer. The police, of course, would be selected from the more orderly ; and, if practicable, some little distinction should be made in the work between the last, and this station. The

First Station should be made to resemble, as nearly as possible, the free settlements ; here would be, all such prisoners as were subject to punishments of one year, and under one year's duration ; and here also would be, the reformed that had advanced from each of the other stations. The employment of the men might be in various ways : chiefly for articles required by the six classes ; the grain and vegetables, for instance, should here be produced, and such things manufactured as might enable the prisoners to receive a portion of their value, according to the amount of labour expended upon them. The rations of this station should be the same as the last, but a small quantity of tobacco might be allowed, by way of indulgence.

In case of crime being perpetrated, or the regulations being infringed, the convicts should be subject to removal from any station, to a lower one ; and at all, except the first, martial law should be enforced. Among the highest class it would, perhaps, be advisable to introduce trial by jury, and the jurors to be composed of such prisoners as the commandant might select, in consequence of their good conduct ; but these and other minor details it is unnecessary to enter upon in a publication of this description. It is the outline, or frame-work of the system, that can alone be given in these pages.

With respect to female convicts, the inhabitants would not object to the continuation, for a time, of the present system, but females suffering under colonial sentences, if of a severe description, should be likewise removed from the settled districts, and their moral reformation rendered more certain, than can be the case in cities and towns, where discipline cannot be properly enforced, on account of the numbers of free persons that are always interfering with the working of the system. At first, the very idea of sending females to Port Arthur, almost induces one to think of revolt—but, on calm consideration, there is no reason in so supposing; if the women, according to their sentences, were only forwarded to undergo somewhat similar probation as that enforced upon the men, the utmost order would prevail, if only decent management were attended to. Spirituous liquors, which are the bane of convict discipline, are not now allowed at the penal settlements, nor should they be under any circumstances: keep intoxicating drinks away from the commonalty of mankind, and you can reason with them. If, however, the union of the sexes were admitted in the upper classes at Port Arthur, it would perhaps, be better than allowing the present system to continue—and of the two evils, the wisest plan is to choose the least. (See Appendix, E.)

The management of the female prisoners, all persons admit, is a difficult task—you cannot class women, and school them, and punish them as you can men; and if any one fancies he can do so, it is a pity he is not appointed a superintendent of a female factory for a week or so, for then he would most assuredly soon be satisfied that, do what he would, he would never satisfy the women.

CHAPTER VIII.

VAN DIEMEN'S LAND—STATISTICS—FIRST SETTLEMENT AT REST-DOWN—HOBART TOWN—NEW NORFOLK—DEATH OF COLLINS—COLONEL DAVEY—SORELL'S ADMINISTRATION—COLONEL ARTHUR—BUSHRANGING—SUCCEEDING GOVERNORS.

THE island of Van Diemen's Land was first discovered by a Dutch navigator, of the name of Abel Jansen Tasman, in the year 1642. He was despatched from Batavia by the then Governor, Anthony Van Diemen, and had under his command the *Heemskirk* yacht and *Zeehaen* pinnace; the instructions were to explore the eastern coast of New Holland. Tasman gave the island its present name in honour of the Dutch Governor. It was upwards of a hundred and twenty years before the knowledge so acquired of its existence, was followed by any event of the slightest importance in its annals; the next occurrence with respect to it, that deserves mention, being found narrated in the voyages of the celebrated Captain Cook, who was here, as well as his companion Captain Furneaux, in the course of their circumnavigating the globe in 1773, and again in 1777. From that period, until the island was taken possession of in 1803, nothing was known respecting it*.

* It is somewhat strange that the Australian charter should include Van Diemen's Land—Austral merely means south, and Asia is one of the four divisions of our globe. As it was not reason-

Van Diemen's Land is situated on the south-eastern coast of New Holland, or, more correctly speaking, Australia; and is separated from the main by Bass's Straits: it is between $39^{\circ} 12'$ and 45° south latitude, and 140° and 156° east longitude. It includes all the islands southward of Wilson's Promontory, and also Macquarie Island, lying to the south of Van Diemen's Land. Norfolk Island has, within the last few years, been reckoned among its dependencies. Van Diemen's Land is 170 miles in length from South Cape to the light-house at Low Head, George Town, and 160 in breadth from Cape Lodi to the head lands of Macquarie Harbour; it is nearly the size of Ireland: the area being 23,800 square miles, or 15,232,000 acres of land. It was first found to be an island in 1798, and the straits which separate it from the main, were named after the discoverer, Bass, a surgeon in the royal navy, who made the discovery in an open boat. Being surrounded by the sea, it enjoys a salubrious atmosphere, clear and healthy, and no part of the world is better fitted for the constitutions of Europeans; it is not exposed to extremes of heat, and, excepting on the higher lands, ice is seldom seen.

able to make five *quarters*, the continent of New Holland was by classical scholars named Austral Asia, or Southern Asia—so far Van Diemen's Land may be included, in the same manner as England is reckoned to be a portion of Europe. Moderns have termed the continent Australia: whether designating a country, "the south," without any other appropriate synonym be correct or otherwise, matters not; there is, however, a Western Australia on one side of the continent, and New South Wales might justly be styled Eastern Australia, and we all know that the central southern part of New Holland is South Australia. Now Van Diemen's Land is an island far more to the Southward than South Australia, and if it is to be designated as an Australia by the compass, it must be called south-east—half eastern Australia.

The island is particularly adapted for the growth of grain, fruits, and vegetables, that are in use in the mother country. The average of the thermometer for the year, in the neighbourhood of Hobarton, may be estimated at about 55°. The greatest quantity of rain falls during March and November; the hottest months are January and February.

Norfolk Island, in consequence of orders received from the Home Government, was, in the year 1803 and 1804, partially abandoned. This was effected by the former Lieutenant-Governor of the place, P. G. King, who, as we have seen, in the year 1800, assumed the Governorship of New South Wales. "The ground on which this measure
" was determined on, appears to have been the very great
" expense at which the settlement was maintained, and
" the very great difficulty with which a communication
" between it and Port Jackson was preserved; a difficulty
" arising from the danger of approaching an island without
" a port secure from tempests, or even a road in which
" ships could safely anchor. On these and other grounds,
" it seems that an order was conveyed by Lord Bucking-
" hamshire, when Secretary of State, dated June 1803,
" for removing a part of the settlement of Norfolk Island
" to Port Dalrymple, or to some other situation in Van
" Diemen's Land*." The entire evacuation of the island took place in the year 1807. "A considerable number of
" the free settlers of Norfolk Island had originally been mar-
" rines and seafaring men; and when Colonel Collins, of
" the Royal Marines, under whom most of them had
" served in the colony, was appointed Lieutenant-Governor
" of Van Diemen's Land, they were the more easily in-

* See Dispatch to Governor Bligh, (dated Downing Street, 30th. December, 1806.)

duced to embark for that settlement. Colonel Collins had arrived from England in the year 1804, to form a subordinate settlement, either at Port Phillip on the southern coast of New Holland, or in Van Diemen's Land. He accordingly established himself, in the first instance, at Port Phillip, but finding the land in the immediate vicinity, of an unpromising character, he afterwards abandoned that settlement altogether, and proceeded to form another in Van Diemen's Land. Port Phillip is an extensive inlet, running up for thirty-five miles into the main land of New Holland. Colonel Collins had formed his settlement on the eastern shores of that inlet, where the land is undoubtedly of an inferior description : but it has recently been ascertained that the whole of its western shore consists of land of first-rate quality, whether for grazing or for agriculture ; and it is singular enough, that an extensive emigration has recently taken place to this part of the territory of New South Wales from the very settlements which were formed by Colonel Collins on its abandonment. During the last two years, more than two hundred persons have crossed over to Port Phillip from Van Diemen's Land, in the character of squatters, carrying along with them upwards of thirty thousand sheep, besides horses and cattle, to form a permanent settlement in that highly eligible locality." So says the Rev. Dr. Lang, in his statistical account of New South Wales, published in 1837. This admission clearly confirms the assertion already made at page 62, that Port Phillip is the legitimate offspring of Van Diemen's Land, although, being part of the continent of New Holland, it was retained so long as a dependency of the elder colony.

The first settlement made in Van Diemen's Land was in the year 1803. Lieutenant Bowen, with a party of

marines, some Norfolk Island settlers, and a few convicts, left Sydney, and arrived in the Derwent during that year. The station fixed upon, was on the northern banks of the Derwent, a few miles higher up the river than Sullivan's Cove. The encampment was named Rest Down—since called Risdon. The Norfolk islanders when they had to abandon their cherished homes, where their children had been born and reared in comfort and ease, were allowed permission to locate land in any part of Van Diemen's Land, that they might think proper to select—these orders still pass by the name of Norfolk Island grants. They usually located from 30 to 100 acres—chiefly sixty; the number of acres depending on the various claims of the several parties. A very considerable body of these "old hands" as they are now termed, selected the highest portion of the navigable part of the Derwent river; the settlement they named, after the island they had left with such regret. Some desired that the station might be called Richmond Hill, as it resembles much that place situated on the Thames in England. The town was to have been "Elizabeth," but the land in the neighbourhood was always known as New Norfolk, and that is now the name of the district; Elizabeth Town has since been forgotten, and New Norfolk is the township. Some of the early settlers, that were drafted to the northern part of Van Diemen's Land, pitched their encampment on some plains, distant about twelve miles from Port Dalrymple, these fertile tracts they also named in commemoration of their beloved island, and these are still known as "Norfolk Plains," and the district is so called.

With the party under command of Lieutenant Bowen, there arrived a detachment of the 102nd regiment of the line, usually designated in the colonies, the New South Wales

corps. Rest Down received that appellation in consequence of the party making it their resting place, after the troubles and annoyances they had undergone, in consequence of being compelled to leave their distant homes. On first landing, the Aborigines were found to be very numerous, and evinced a desire to be on friendly terms with the newcomers. Unfortunately, these harmless people were ill treated by some of the lower orders of the soldiery and convicts : and when employing force to protect their females from the assaults that were constantly being made upon them, the military were very injudiciously drawn out in line, and poured in volley after volley upon the tribes—when thrown into confusion, the defenceless creatures were then pursued by the soldiers, and the subsequent slaughter that took place, is represented by those who were eye-witnesses, as having been truly terrific. The Aborigines who usually occupied that part of the county, retreated before their assailants, and none were seen for some time afterwards. Rest Down was ill adapted for a settlement, and the following year, when Collins established his camp, the whole party removed to the more eligible position he had selected.

In February 1804, Lieutenant-Governor Collins arrived in the Derwent, and after exploring several of the inlets and bays, finally, on the 19th of the same month, determined upon forming the encampment in Sullivan's Cove, there being a tolerable supply of fresh water, and the spot otherwise was well suited. The new settlement was called Hobart Town, the name being so bestowed in honour of Lord Hobart, the then Secretary of State for the Colonies. On landing, the number of convicts amounted to 367 males, and there were forty-seven marines under their Lieutenant-Colonel, the new Governor. Van Diemen's

Land is even yet only a lieutenantancy, the Governor-in-Chief being stationed in New South Wales. For many years the title of the chief ruler was that of His Honour, but when the separation of the Governments of the two colonies took place, in 1825, the title was superseded by that of His Excellency. Van Diemen's Land is, nevertheless, excepting as relates to certain military etiquette, perfectly independent in every respect of New South Wales.

In Oct. of the same year, 1804, Lieut.-Colonel Paterson, who had formerly been, as commanding officer of the forces, the acting Governor of New South Wales, arrived with a detachment of convicts, and a further draft of the free settlers from Norfolk Island; Colonel Paterson at first fixed his encampment at a place some little distance from what is now known as George Town on the Tamar. The settlement he called "York," and it received its name in commemoration of the Duke. The location was very badly selected, and after the settlers had undergone many severe privations, they were removed to Port Dalrymple, now Launceston.

Thus the first colonisation of Van Diemen's Land was not of a penal character, the free settlers of Norfolk Island being in possession of the place, before the arrival of the convicts from England. Soon after the settlements were formed on the northern and southern parts of the island, the counties were defined: that on the south, or Hobart Town side, was and is still called Buckinghamshire—the other, on the northern side, Cornwall; but not for very many years afterwards (1828) were the districts partitioned, and these again subdivided into parishes. The colony being thus formed, it began to assume something like importance, the Norfolk islanders, removing from Rest Down to Hobart Town, had considerably increased the population

of the place. For a time everything went on smoothly, and the new settlers, chiefly by the labour of the convicts, were rapidly clearing the ground in the immediate neighbourhood of what is now the old market place. For upward of three years the inhabitants were wholly dependent upon the supplies of food that were brought out from England by the transports, and such as were occasionally sent from New South Wales. The settlement was considered as more properly belonging to the mother country, consequently the government of New South Wales, calculated that the supplies required would be transmitted from thence. In those times communications could not be speedily forwarded; therefore, between the two parents, the unfortunate little colony was grievously neglected. The inhabitants were driven to far greater desperation for want of food, than were those of New South Wales or Norfolk Island, during the year 1790: and, had it not been for the quantities of kangaroo that were taken, it is doubtful whether there would have remained any alive to tell the distress that had been suffered. Sea-weed of any kind that could be procured, and indeed every vegetable matter that could be collected for food, was most eagerly sought after; as for bread—there was none to be had in the whole settlement; indeed it is impossible to describe the hardships undergone. By degrees the few patches of ground that had been cleared gave favourable prospects of success, but the hopes of the cultivators were frequently blighted, in consequence of the damage the kangaroos caused to their grain crops. Year followed year, and at last the worst of their troubles were at an end. Convicts were frequently transmitted from New South Wales, and the transports by which they arrived, brought provisions for the half famished inhabitants. The Sydney Government by degrees took

charge of the settlement, and converted Van Diemen's Land into a penal station of their own, and all the men of bad character, or those suffering under additional sentences in New South Wales, were transported to the younger colony.

The Lieutenant-Governor, Collins, died in the year 1810, and was succeeded, as a matter of course, by the officer next in command. The administration, for two years, fell under the custody of Lieutenant Edward Lord, of the Royal Marines, and Captain Murray, of the 73rd Regiment. These were succeeded by Lieutenant-Colonel Geils, of the 23rd, who retained the commandantship until the arrival of the Lieutenant-Governor Davey, who was Colonel of the Royal Marines; he took the reins of the Government into his hands on the 3rd of February, 1813. Hitherto all communication between Van Diemen's Land and other places had been interdicted, excepting with England and New South Wales, and heavy penalties were imposed upon any merchant vessels that might attempt to enter the ports; but they were now done away with, and the colony placed precisely on the same footing, with respect to commerce, as New South Wales. The consequence of this, and of other measures that were adopted about the same time, soon became obvious. The colony began to wear the appearance of an abode of Englishmen; and although emigrants from the mother country had not yet directed their steps hither, what with the officers of different regiments who remained in the colony, with the number of individuals who had been brought here by Government upon the evacuation of Norfolk Island, with occasional arrivals from New South Wales, and with the Crown prisoners who had either become free by servitude or indulgence, the population of the colony increased considerably. Land also was more

and more cultivated, houses were erected, farms enclosed, everything in short assuming an improving aspect.

Colonel Davey's administration lasted four years and two months, bringing down the history to the year 1817. In many respects he appears to have been a popular governor; certainly during his time considerable advances were made in the formation of townships in the interior, and tillage received very considerable encouragement. He is represented to have been of most eccentric habits, was on familiar terms with every one: and his pipe of tobacco and his glass of toddy seemed to be far more suitable to his kind temperament than the chilly coldness that governors so frequently imagine, tend to their dignity and importance. There are many old settlers who speak most favourably of Colonel Davey, and if any error was to be found in him, it arose from his kind disposition to serve the meanest individual, whether deserving or not, who might ask him a favour. When he retired from the government, on the 9th of April, 1817, and made room for his successor, Colonel Sorell, it may be said the colony was just emerging from insignificance, and required a more decisive character as its chief ruler.

From almost the very first arrival of the colonists, convicts had made their escape from the settlements, and in some instances were domesticated with the natives, in the interior. These men, or rather some of them, not only perpetrated all kinds of depredations against the inhabitants settled on the outskirts of the towns, but frequently led the natives on to be parties in the robberies. By judicious management, these marauders were ultimately brought into the settlements, and received punishment suitable to their offences. Although bushranging had thus been checked, it broke forth again, spreading like an insi-

dious disease through all parts of the island; and when Colonel Sorell succeeded Governor Davey, resolute parties were committing fearful depredations. One of the principal, or most notorious of these villains, was Michael Howe, who, from various dreadful deeds perpetrated by him, has left a name by which several important parts of the interior are now known. This man arrived from England in 1812, under a sentence of seven years' transportation, and was presently assigned to the service of one of the settlers. It was not long, however, before he absconded, and joining the desperadoes who were then in the woods, became their leader in all sorts of daring enterprises. After a while, distrust and jealousy springing up, as might naturally be expected among such characters, Howe left the party, and afterwards formed the resolution of surrendering to Government, upon the chance of an extension of mercy. In consequence, he wrote to Colonel Sorell, offering to give himself up, upon an assurance of personal safety, and the promise of a favourable representation to the Governor-in-Chief, towards obtaining his pardon. The terms were agreed to, and Howe quietly yielded. But his penitence, or whatever else had induced this step, was short-lived; for we find that in less than three months he contrived to elude the vigilance of his keepers, and he again took to the bush. Here, held as a traitor by his old associates, and proscribed by the Government for his manifold enormities, he wandered up and down the country, shunned and avoided by all, committing robberies and murders at will, until fifteen months afterwards, when a plan was successfully laid, by means of which he was captured; but in the desperate resistance he made, he met his death, his head being battered by the butt end of muskets, till he expired. His reign of terror occupied the greater part of six years.

On the arrival of Colonel Sorell, the population of the island amounted to about two thousand souls. In consequence of the encouragement he afforded, the true capabilities of the colony were made apparent. It was during his administration that the first bale of wool, and the first tun of oil were exported to Great Britain ; and after a residence of seven years in the island, he had the proud satisfaction of seeing large shipments made of the produce of the colony, to the mother country, to the Mauritius, and to New South Wales. The population of Sydney, about this time, was rapidly increasing, and frequent droughts had rendered the inhabitants, in a great measure, dependent on Van Diemen's Land for grain and sheep : and strange as it may now appear, even so late as in the year 1828, the butchers of Sydney would ticket mutton of superior quality as being from the " Derwent." It was Colonel Sorell's grand aim to encourage free emigration. Some few settlers of this description had reached the colony as early as the year 1821, but it was entirely owing to Colonel Sorell that the Home Government held out such cheering stimulants to emigrants. The new arrivals, in consequence of his recommendation, brought with them stock of improved kind : the finer description of the wools were attended to, for hitherto the coarse, heavy tailed Cape sheep were those only known in the island. Whaling, too, at his instigation, was carried on, and proved to be extremely lucrative—the stations were chiefly in Storm Bay. In former times, whales were so abundant on the coast, and in the Derwent, that, during several seasons, so numerous were the fish, that some of the " old hands " describe that it was not safe, at all times, for a small boat to cross between Hobart Town and Kangaroo Point—now a whale is indeed a rare sight, even in Storm Bay—whether those frequenting the shores have been all destroyed, or merely

driven away, it is not necessary here to inquire. During Colonel Sorell's time, the commissariat took wheat into the stores at ten shillings the bushel, and each settler had a right to turn in a certain quantity, according to the number of acres he had in cultivation. The Government were thus always purchasers, and stimulating the agriculturalists to industry. The grain thus stored was delivered to the free emigrants as they arrived, six months' rations being given to all those who came out free. The Government officers were likewise rationed, and so were all the convicts that were employed by them, and by the settlers. Magistrates were not then paid salaries; in lieu thereof they were allowed rations for themselves and for four convicts; but as they were also rated as free emigrants, and, as such, their assigned servants provisioned by the Government, it followed that the rations were not required; they were, consequently, not drawn, but money passed from the commissariat to the Government offices as the equivalent. On landing, every free person had a permit to bring on shore ten gallons of spirits; these orders tended greatly to encourage smuggling. The duties were then so exceedingly high, that they were next to prohibitory; one ten gallon permit would frequently, with *management*, serve several times; indeed, one very old and respected colonist, "the father of the people," is said to have contrived to land three hogsheads of brandy under one ten gallon licence. The spirit trade had been very profitable to many of the New South Wales corps, and it was not an uncommon occurrence at Sydney for an officer of that corps to place in a retail business, a female convict of prepossessing appearance, whom he had selected for his mistress. The scenes which might be expected to follow such examples consequently occurred: and the convicts, witnessing the

open profligacy of those in command, laughed at their superiors, and endeavoured, as far as possible, to out-do them in open licentious immorality.

The most serious difficulty under which the colony laboured in Colonel Sorell's time, was that of a want of adequate power duly to enforce the laws. All offenders charged with felony, were forwarded to Sydney to take their trials, much in the same manner that convicts, as it has been explained, are now sent from the penal settlement of Port Arthur to be tried in Hobart Town. The delays that occurred in forwarding the prisoners, and the difficulty of producing evidence, rendered it almost impossible to obtain convictions ; and nine out of every ten prisoners that were so forwarded to Sydney, escaped for want of evidence. There was then only one civil court in the island, and in that the Judge-Advocate presided. The jurisdiction would not allow suits for sums exceeding £.50, so that it was customary for a merchant when selling £.500 worth of goods, to draw on the purchaser ten drafts of £.50 each, and the law laid down by His Honour was, that every such acceptance might be sued for, as if it were a separate debt*.

* Were the reports of the trials of this court to be recorded, they would no doubt entertain the reader. At one time a celebrated advocate, employed as plaintiff's counsel, made out a case so exceedingly satisfactory to his honour, that a verdict was about to be recorded, when it was found that no one was present on the part of the defendant. After some little irregular proceeding, the plaintiff's counsel observed that it was a pity no one appeared for the other side, and rather than the defence of the action should not be heard, if his honour would allow, he would act for the defendant also. He did so, and the defendant, according to his own showing, had the best of it, and, to the astonishment of all present, obtained a verdict without a moment's hesitation. The Judge-Advocate often observed, that he was no lawyer himself, and would not be bothered with law.

The colonial expenditure during the last year of Colonel Sorell's administration was £.24,435, and the income arising from the duties on imported goods, fees of office, and spirit licences, amounted to £.22,064; the expenditure of the commissariat was then very considerable, both for the cost the Government were put to in supplying rations for the free emigrants, and also for the food and clothing of the military and convicts.

To notice all the public acts of Colonel Sorell's administration would be unnecessary, and impossible in the space that can be allotted to this subject; suffice it, then, that under him the colony made rapid strides—that it had risen from being a mere insignificant penal settlement, to become an English colony, highly favoured by emigration—yet, its consequence was comparatively little, when weighed with its present rank and station—with its buildings, its cultivation, its wealth, and the other resources it now possesses—in a word, it was still a mere child, scarcely able to walk alone.

It was just at the close of his administration that the constitution of the colony underwent an entire re-moulding (or rather moulding, for previously, it had little either of shape or form,) at the hands of the Home Government, and that a court of justice, for all civil and criminal matters, was introduced here, by the arrival of a chief justice, attorney-general, and all the suite of a supreme court of judicature. It was reserved, however, to Colonel Sorell's successor, Colonel Arthur, to bring into play the engines thus placed in his hands; for, within a month after the arrival of the chief justice, now Sir John Lewis Pedder, who still retains the same office, the Lieutenant-Governor arrived. He disembarked on the 12th of May, and was proclaimed Governor on the 14th of the same month. From the land-

ing of Colonel Arthur, it was evident that, he did not seek popularity in the Colony—he apparently, from the very first, considered the settlement in the same light as did Governors of provinces of former days. Those in power, in the mother country, had appointed him to rule, and to them, and to them only, did he conceive himself answerable for his conduct. The colonists, in his eyes, were only regarded, so far as they might be made instrumental in furthering British interests, and in supporting the discipline deemed necessary, for the better reformation of the convicts of Great Britain.

Shortly after the arrival of Colonel Arthur, bushranging broke out again in the colony, producing very serious results, both upon the lives and properties of the settlers. This lamentable occurrence took its immediate rise from the escape, in a boat, of fourteen prisoners from Macquarie Harbour. This place, as it has been described, was selected as a secondary punishment station; that is, for prisoners who committed crimes in the settled districts, and were under a second sentence of transportation.

The system of torture carried on at that place, was such, that death was often sought as a relief, by many of the unfortunate individuals whose offences against the laws, had rendered their removal from society necessary. There are many cases on record, where prisoners confined in that horrid den of iniquity, have committed murder, expressly to be brought up to Hobart Town—there to be executed; and there are numerous instances where parties of a few determined men have resolved on escape, and, owing to the barrenness of the soil in that part of the island—which produces nothing eatable for man—these men have ultimately destroyed each other, for food. One of the most extraordinary cases of this description is, that of the noto-

rious Pearce. (See Appendix, F.) No sooner had the fourteen runaways landed on the shores of the Derwent, than they were assisted by their friends, and their number was considerably augmented by individuals, who were ready to take the bush, and by others whom they forcibly compelled to join their band. These bushrangers had adherents in Hobart Town, to whom it is generally believed they disposed of their ill-gotten plunder, and in exchange were supplied with every necessary required for a roaming life. These men were a terror to all the colonists—no settler could be secure, for one moment, from their depredations. One day they would be committing outrages near Launceston, and in an astonishing short space of time, would be striking terror to the inhabitants in the vicinity of Hobart Town—and the most atrocious crimes were committed by them. Occasionally skirmishing parties would capture two or three runaway prisoners, *supposed* to belong to the chief band of bushrangers under the command of Brady and M'Cabe: and, in order to check their outrages, frequent executions of such captured criminals took place—yet this had no effect. The audacity with which these men acted is most astonishing; not content with ransacking and putting at defiance the whole of the country, they made frequent excursions into Hobart Town: and their leaders have been known to be carousing there, for days together, as if to mock the energies of the Government and the colonists, to capture them. The daring of the bushrangers was so great, that at one time they made themselves masters of the gaol at Pittwater, and arrested several free settlers and the military. (See Appendix, G.)

Shortly afterwards ample power was vested in the hands of the Lieutenant-Governor, which enabled him to act in the manner most effective. Formerly, mere pecu-

niary rewards were offered for the apprehension of the bushrangers: but now Colonel Arthur issued proclamations, promising, not only considerable sums of money, but free pardons and return passages to England, for any one who would be the means of bringing the leaders to trial and conviction; and, in the event of murder, a free pardon was offered to any of the bushrangers themselves, who would be the means of delivering the culprit to the proper officers—and it mattered not whether in point of law, the parties so informing were accessories before or after the fact; the pardon was to be allowed, provided the informant was not the actual murderer. This at once destroyed the confidence, the bushrangers had in each other, and every one treacherously endeavoured to bring his companions to the gallows, in order to save his own life. The effect of these proclamations was, that Brady and his party, within a few months afterwards, were all taken or destroyed, and tranquillity was for a considerable time restored.

It may not be amiss to mention that bushranging, to a certain extent, still continues, yet none have become of any celebrity since the desperate band, consisting of Cash, Cavenagh, and Jones, were “at large,” about six years since. These men, among their other daring deeds, on three several occasions, stopped and plundered the Launceston four-horse mail coach; on the last two occasions there were guards on the roof well armed. These bushrangers were here and there, and everywhere—sometimes entering houses, whose inmates were provided with arms for defence, and, on one or two occasions, they actually gave notice that they intended to pay their visit at a certain hour of a day they named—and they invariably kept their promise. They did not commit murder, and usually be-

haved in a very civil manner to the inmates, whilst they were plundering the dwellings of articles of food, and money, or valuables. They were ultimately captured—one was executed, the other two were sent to Norfolk Island. It had been previously the rule to bring to execution, all bushrangers taken with fire-arms in their possession; and it is generally supposed that the leniency shown to two of the men, on this occasion, had the effect of preventing others from taking to the bush: but there are different causes which had this effect. The new probation system has since that time come into full operation, and the men that are serving under the modern regulations, prefer remaining in the Government gangs, where they are well fed, and have little work to perform; whereas under the old plan, hope was almost shut out from their breasts, and desperation reduced the men to become the formidable characters they so frequently proved. Then there was the introduction of the Sydney natives, by whom the marauders were followed and finally secured: these rendered bushranging anything but a life of security. It is, however, to be hoped, that the Home Government will order the removal of all prisoners under punishment to the peninsulas, and thus prevent the possibility of any further danger from bushrangers.

After a troubled Government of twelve years, Colonel Arthur, having during that time amassed a considerable fortune, left Van Diemen's Land, regretted by those whom he had raised to wealth and influence, but unregretted by the majority of the colonists. His successor, Colonel Snodgrass, was sworn in, as the acting-administrator, the day after his embarkation, which took place on the 30th October, 1836. Colonel Snodgrass had arrived from Sydney, for the express purpose of taking the command, and he remained

in office until the landing of Sir John Franklin, on the 6th of January following. Much was expected from Sir John ; he was welcomed most cordially by all classes—he told the people he came “ to see with his own eyes, and to hear “ with his own ears ;” and, had he fulfilled his promise, he would indeed have been popular : as it was, he soon allowed himself to be surrounded and influenced by the same unpopular officials, that had worked under the military rule of his predecessor ; and, instead of being the open-hearted seaman the colonists had been anxious to receive, he became reserved and inaccessible ; and, although irreproachable in his public and private character, still he was unpopular—his motto appears to have been “ *laisser aller*,” and every evil was left to be remedied by time, the great curer of all calamities—if little can be said in his favour, on the other hand, his follies were innocent. He had a few sincere friends attached to him, in consequence of his personal good qualities, and he cannot be said to have had enemies ; although the colonists, generally, were very well pleased, when, in August 1843, his successor, Sir Eardley Wilmot arrived, and, on the 22nd of that month, took the reins of the Government. The Ex-Governor, nevertheless, remained in the colony for nearly two months after the arrival of his successor ; during which time, he continued to reside in the Governor's house ; and by the express orders and wishes of Sir Eardley Wilmot, was, by the Government officers and the inhabitants treated with the highest possible respect. During the period that Sir John Franklin remained in the Governor's dwelling, the newly appointed representative of royalty, was compelled to lodge at the residences of private individuals—and, not knowing the persons with whom chance associated him, his company was not at all times the most select. The administration of Sir Eardley

Wilmot was of a far more marked character than was that of his predecessor. He conciliated all parties—was accessible to every one—and he gave very general satisfaction to the colonists; indeed, he had no open enemies, but, unfortunately for himself, he had a few secret ones. Macquarie, Davey, Sorell, and Wilmot, will be names, long remembered and respected in Van Diemen's Land. It was with no slight feeling of surprise and grief that the inhabitants witnessed his sudden removal from office. Without any intimation of what might be expected, he received, what in fact was, a dismissal; on the ground, that rumours of a secret nature, injurious to his private character, had reached the then secretary of state for the colonies; the despatch was as follows:—

“ SIR—I have now to discharge a duty still more painful and delicate than that of addressing you in a public despatch, to communicate to you your recall from the administration of affairs in Van Diemen's Land.

“ Adverting to the fact that this recall rests upon the allegation of a failure on your part, with respect to special and peculiar duties only, which attach to the care of a penal colony, but not to that of colonies in general, you may feel some surprise at the circumstance that I have made no allusion to the possibility of your re-employment during the remainder of the ordinary term of six years.

“ I should have felt authorised to express a willingness to consider of any favourable opportunity which might offer itself for such employment, had it not been for the circumstances that certain rumours have reached me relating to your private life, to the nature of which it is perhaps unnecessary that I should at present particularly allude.

“ Had these rumours been slight and without presumption of credibility, I might warrantably and gladly have passed them by. Had they, on the other hand, taken the form of charges, or of information supported by the names of the parties tendering it, it would have been my absolute duty, independently of any other reason of interference with your tenure of office, to refer the matter to you, and at

once to call upon you for your exculpation. But they occupy an intermediate position. Presuming that I have been justified in refraining from bringing them under your notice up to the present time, I feel that it would be impossible to recommend your resumption of office in any other colony, until they were satisfactorily disposed of. To found proceedings upon them against a person holding office appeared to me to be a very questionable matter, but I think it quite unquestionable that they must be taken into view when re-appointment is the matter at issue.

"I know not what your views and wishes on the subject may be. I should not have entered wantonly and needlessly on such a topic as that to which I now refer. My reason for doing so, without waiting for any request from you for re-employment, is that I think some favourable information on that head would have been your due, had no obstacle intervened, and I have therefore found myself bound to account for that omission from my despatch of this day of any such intimation.—I have the honour, &c.

"W. E. GLADSTONE."

"To Sir E. E. WILMOT."

On the 5th of October Sir Eardley forwarded a reply to the Home Office, it was his last letter:—

"It is impossible for me," said he, "to grapple with charges, of the nature and extent of which I am ignorant. I can do no more at present than give a general denial to general imputations. Were the accusations specific, I could at once meet them, and show their utter falsehood; but placed in the un-English position of a man charged with unknown acts of impropriety, injurious to character and destructive to his interests, without any knowledge as to who are his accusers, or as to what are their accusations, I most earnestly adjure you to specify immediately the dates, places, persons, and circumstances to which the 'rumours against my private life' apply, that I may be placed in the same position before the public, as is the meanest criminal when standing before a jury of his country."

At the same time he petitioned Her Majesty, praying, among other things, that he might be informed who were his accusers, and what were the charges, if rumours

could be charges, that operated so forcibly as to cause his dismissal*. With this petition, Sir Eardley Wilmot for-

* Your petitioner also submits to your gracious Majesty's consideration the minutes of the Executive Council of Van Diemen's Land, before whom your petitioner laid the letter of the Secretary of State; and also submits the address of the inhabitants of Hobart Town, as their voluntary testimony, in contradiction to the Secretary of State's anonymous information.

That your petitioner, knowing your gracious Majesty to be not only the foundation of honour, but of justice, humbly lays the above-mentioned letters and testimonials at your Majesty's feet, and prays for that justice which is never denied to the humblest of your Majesty's subjects—to know his accusers and the nature and extent of the accusations against him—and to be heard in his defence before condemnation.

That your petitioner humbly represents to your gracious Majesty, that the sacred rights of a British subject have been violated in his person by the conduct of the Secretary of State, who, having listened to anonymous charges affecting the character of your petitioner without giving your petitioner the means or opportunity of answering them, has placed your petitioner in that anomalous position as is expressed by the Executive Council, "of having no definite object," on which to direct his answers and exculpation.

That your petitioner is most anxious to exonerate himself from the heavy and disgraceful charges implied in the letter of the Secretary of State of 30th April, and received on the 24th September last: conscious of the utter falsehood of any charges against his private life in this colony, and feeling the grievous wrong and injustice he has sustained by the conduct and proceedings of Mr. Gladstone.

Humbly prays your gracious Majesty will give such orders and directions as will enable your petitioner to know and meet the charges contained in the Secretary of State's letter, and to prove to your Majesty the utter falsehoods therein contained. And your petitioner humbly prays that if it shall appear to your gracious Majesty, either from the testimonials herewith transmitted, or from the result of inquiry, should any inquiry be deemed necessary, that your petitioner has either been deprived of his late office, or prevented the receiving "of any office under the Crown in any other colony," in consequence of the calumnies and falsehoods to which the Secretary of State has lis-

warded an address, which had been presented to him, by the most respectable and influential inhabitants, consisting both of Government officers and civilians. In the document the highest possible eulogiums were passed on his moral rectitude, and unimpeachable conduct.

Long before his petition and its accompaniments reached their destination, Sir Eardley Wilmot was removed from the troubles of this world. He never recovered from the blow that was thus secretly aimed at him; his health suffered, and about three months after his dismissal, he died broken hearted*.

tened; that your gracious Majesty will confer such an appointment, or such mark of your gracious Majesty's favour upon him, as will prove to this colony and to the British public that your gracious Majesty will never suffer any act of injustice to be done to any one of your Majesty's subjects without full and immediate reparation.

And your petitioner will ever pray, &c.

(Signed)

JOHN EARDLEY EARDLEY WILMOT.

* "A mean and desperate practice has all along prevailed in the colony of New South Wales, both in regard to Governors and to private individuals of respectable standing in colonial society, viz., that of sending home clandestine and, of course, generally false information, relative to their private character or public procedure, either to His Majesty's Ministers, in the case of Governors, or to those influential persons or public bodies with whom it is of consequence to other individuals I allude to, to stand well. Captain Hunter (Governor of New South Wales) was, on one occasion, the subject of the private communications of some colonial informer-general of this kind, but his Grace the Duke of Portland, who then presided over the department of the colonies, would not suffer an honest man to be stabbed in secret, and accordingly sent back the identical letter he had received without note or comment, to the Governor. Captain Hunter handed it one day after dinner to a Scotch medical officer, who happened to be dining at Government house—'You will surely take notice of this, Governor,' said the officer. 'No,' replied Captain Hunter, 'the writer of this letter has a family, and if I should take any notice of it, I should only ruin his family. I will rather let him alone.'"—*Dr. Lang's New South Wales*, p. 72.

The inhabitants not only regretted his loss, but have, by means of voluntary subscriptions, of small amounts, erected a suitable monument to his memory. The immediate successor of Sir Eardley was the superintendent of Port Phillip, Mr. Latrobe, who merely held the government until the arrival of Sir William Denison, who came into office on the 26th January, 1847.

In carefully looking back on past events, what innumerable instances are recalled to mind of the utter disregard the authorities have paid, to the true interests of the colony. In many cases the injuries have, doubtlessly, been inflicted by the Home Government, in consequence of those in power having been ill-informed of the true state of the settlement; and at other times, the orders that have been received, tending to dis sever the colonists from their mother country, have originated from those in the island whose interest it was to deceive. Van Diemen's Land has frequently been likened to a hot-bed of patronage—the whole place, with some degree of truth, termed a gaol on a large scale, the governor the chief gaoler, and his officers wardsmen and turnkeys. There can be no doubt, that the colonists have hitherto been considered as inmates of a place subject to prison discipline—and as such, been allowed to reside within the rules of the gaol. On the one hand, the inhabitants have been striving for freedom, over and over again demanding to be considered as British subjects: they possessed the British statute laws, and they claimed those other rights which are the boast of all Englishmen. In furthering their claims, they have set forth that they were, in every respect, deserving of the boon they sought; that the colonists, because they had convicts entrusted to their care, ought not, consequently, to be deprived of their own liberty. As masters of the bond,

they claimed their freedom, and pointed out that the colony was perfectly ripe for the institutions of the mother country. But, whilst the people have been thus engaged, petitioning the Home Government, and telling the truth as to their real position, others have clandestinely sent home different statements; and these secret despatches have, unfortunately, had more weight than all the public petitions. It was the interest of those in power in the colony, to keep the establishments as they were; and they too frequently blackened the characters of those who lead the ranks that were demanding free institutions.

If, therefore, the complaints of the whole body of the colonists were, in former times, disregarded, it cannot be expected that much attention would be paid to those of private individuals; and, consequently, there is scarcely one solitary instance on record, of any individual, who has complained of the home appointed officers, ever having obtained redress from the authorities in England; indeed, for the public press, or for the colonists assembled, to complain of the conduct of any Government officer, proved to be almost a certain means of causing the rise of the obnoxious individual; and there is one person, now high in office, who entirely owes his exalted station to the circumstance of a jury of the free colonists, having found him morally guilty of wilful perjury. But these times are passed—and now, under the protection of enlightened rulers, in the mother country, the colonists are likely to receive justice—it is all they require.

CHAPTER IX.

POPULATION—DESCRIPTION OF THE CITY OF HOBART—ITS ENVIRONS—LAUNCESTON—THE SORRELL WEED—TOWNSHIPS OF THE INTERIOR—CHURCH—COLLEGE—PUBLIC SCHOOLS—ASYLUM FOR INSANE CONVICTS.

THE population of Van Diemen's Land, according to the last census, was about 70,000, including military and convicts—nearly 20,000 of that number were born in the colony, and about 14,000 arrived free—so that the free, and free born, amount to within a trifle of the freed and the convicts. From the age of the settlement, and from the fact of there being only 2000 inhabitants when Colonel Sorell succeeded to the government in 1817, it follows, as a matter of course, that the greater portion of those born in the island have not reached the age of manhood, and fully sixteen thousand of the number are under fourteen. Including the convicts assigned, there are 42,000 males, and 21,000 females*. There are, in the island, about 5000 stone and brick houses, and nearly the same number of dwellings built of wood and other materials.

* This is not including the military or the convicts undergoing punishment at the penal station.

Hobart Town, as it was formerly called, when it became a bishopric in 1842, was converted into a city, and is now officially designated Hobarton, or the city of Hobart; it is also the see of a Catholic bishop, who is styled the Bishop of Hobart.

Hobarton is situate in Sullivan's Cove, formed by the projecting lands at the battery, and an artificial mole run out into the cove, and called the Old Wharf. The city is built, so it is said, upon seven hills; at all events the site is hilly, and some of the suburban allotments are at a considerable elevation; the streets, however, are so laid out, being cut down in some places and filled up at others, that the inequalities of the ground are not at all remarkable to a stranger. The troops stationed in the vicinity amount to seven hundred and fifty men. To the southward, on entering the cove, is a battery, that has been called by all manner of names,—its official appellation is now the "Prince of Wales." It is perfectly open; it contains nine long thirty-two's, and, in the event of an attack by water or by land, would be untenable for five minutes—one shell would clear the place: and it is so situated, that, if the men were once driven from their guns, they could not possibly regain them, without being exposed to the fire of the small arms of the invaders. A great deal of money and a considerable amount of convict labour has been wasted upon this, at present, useless defence—it however serves very well to fire salutes on the Queen's birth-days, and other festivals.

The population of Hobarton is estimated at 16,000 souls, including the military and the convicts. Behind the city, as you approach by water, is Mount Wellington, which raises its lofty head nearly four thousand feet above the level of the sea, its ascent commencing at about three miles from

the cove. Its bold and rugged sides, and its sombre, ever-green foliage, give it an imposing, or even a magnificent appearance. During eight months of the year it is capped with snow, and the atmosphere is so clear, that clouds seldom obscure the table land on the highest extremity. Several rivulets of very pure water rise among the chain of hills, of which Mount Wellington is the eastern termination. One of these streams passes through the centre of the city, and formerly supplied the inhabitants with water. By common consent, the channel has been converted into a main sewer, and the water of the town creek, to supply the city, is laid on in pipes along the high lands, which gives it sufficient weight to raise it to the highest rooms of the dwellings at most parts of the town.

The cove, or harbour, presents as secure a place for the loading and unloading of vessels as do any docks; the cove is land-locked; indeed, the whole estuary from the Iron Pot affords safe anchorage in all weathers. The streets of the city are wide, and, generally speaking, intersect each other at right angles—most of them are well macadamised, and the footpaths paved with flags or composition. The public and private buildings of the city are of first-rate order, considering the population. The Government edifices are large and commodious, most of them ornamental. The first, on landing at the New Wharf, is a magnificent building; the centre is the Hall of the Legislative Council, and the wings are appropriated to the Customs, the Surveyor-General's department, and the Port Office. In front of this splendid edifice is a long range of paltry wooden sheds, called the Market, but these are forthwith to be removed. To the right of the building above described, as you proceed along the edge of the cove, or rather the new wharf, is Government House. It is prettily situated on a

steep bank. Its frontage is in Macquarie Street, and it terminates the long line of thoroughfare or main street, called Elizabeth; in its rear it commands an excellent view of the harbour. The house itself is a disgrace to the colony; it consists of a mass of buildings, arranged without any plan or order: the whole rookery being composed of improvements and additions, made as more room was required by successive occupiers. Proceeding along the new wharf under Government House, you arrive at a splendid basin three hundred feet by two hundred, and at low water nine in depth, this is intended as a boat harbour, or for small coasting traders, which formerly occupied portions of the new wharf, and which, from the depth of water, ought to be appropriated to large vessels. This boat harbour has been constructed entirely under the personal superintendence of Sir William Denison; and if the inhabitants, in future years, may have no other cause to think well of his administration, this harbour will remain as one memento in his favour. Alongside are being erected capacious sheds, for a new market-place, and an act of council has lately been passed authorising its establishment. The market will be so situated, that the produce of the interior may be brought by water, to the very spot where the purchasers will congregate. Just beyond, are the commissariat stores, and the offices and treasury of that department; then there is the newly erected patent slip, belonging to Captain Goldsmith, an old trading captain. The valuable piece of ground whereon it is placed, was offered to him by Sir William Denison, on condition that he should, within a certain time, bring out from England the necessary machinery for a slip. Sir William Denison trusted that his locating the allotment to the captain, would be sanctioned by the home authorities, when it was taken into considera-

tion by them, the great advantage the slip would be to the shipping interest; the Governor was perfectly correct in his surmise, the Home Government having since confirmed the grant. Further on, is the old wharf, or jetty, or Hunter Street as it was called in olden times. This jetty was run out to some rocks a little distance from the shore, and on this mole, the whole maritime business of the town was formerly carried on. Since the new wharf has been constructed, and the splendid line of massive looking stores have been built, the old wharf has become nearly deserted, a few of the small craft only loading and unloading there. When the boat harbour is opened, busy Hunter Street will become even more desolate. As you proceed from the Port Office, on the new wharf, towards the city, you ascend a small hill. Having done so, at a short distance to the left, is St. Mary's Hospital; it is a good looking building, in the Elizabethan style; it is in Davey Street, and immediately opposite is St. David's burial ground. As you proceed, on the right, is a large mass of stone buildings, the architectural order of which is very doubtful, but the pile serves well the purposes for which it is used. One wing is appropriated to the police offices, the other to the Supreme Court; the centre of the building is apportioned off to various public departments; among others, the Colonial Secretary has there his offices, and, considering that the chief part of this gentleman's time is occupied in prison discipline, a better position for him could not well be found—on his left hand the police office, on his right hand the criminal court, and immediately in front of his windows are the gallows and the city gaol. Well may he be said to have his attention at all times directed to the working of the penal system. It is rather surprising that the prison is allowed to remain where it now is—the position

being in the most valuable part of the town, and the building in every respect very ill adapted for the security of its inmates. The sooner it is pulled down and the land sold the better—the gaol and place of execution ought to be at some little distance from the city. In New South Wales the criminal sittings of the Supreme Court are held at Darlinghurst, Wollomolloo; distant about a mile and a half from Sydney: and the removal of all criminal business to that place, has given very general satisfaction: the prison and the court-house, as it has been observed, are part of one building.

The Government House, St. David's Church, and the Gaol, were built about the same period, and they are far from being ornamental. St. David's Church is immediately opposite the court house, it is at the angle of Macquarie and Murray Streets, it is said to be built of "wattle and daub," certain however it is, that of late years it has been so bedaubed with whitewash and paint, that no one can possibly discover of what materials it was originally constructed. It is commodious in the interior, and adapted for a large congregation. The greater portion of the troops attend divine worship at St. David's, which, since the arrival of the bishop, is dignified with the name of the cathedral. It will be readily understood, from what has been stated, that all the public offices, including the cathedral and the gaol, are within a short distance of each other. In different parts of the city, there are other churches and chapels. There is the New Trinity, standing on an elevated position at the extreme back of the town, with its peal of bells and its magnificent organ. Then there is St. George's in the east, with its experimental tower or spire near the battery—the spire or tower of this church is of the chamelion order, one year it is a tower, and that not

pleasing the taste of those concerned, it is pulled down, and next year a spire is erected in its place—and so on. Then there is the *old* Trinity, at the prisoners' barracks, a brick building so constructed, that under feet are the dark and dreary cells, wherein the prisoners are undergoing the silent and solitary system. The convicts of the penitentiary attend service at this church, and the wings wherein are their sitting places, are so constructed as to prevent them from being seen by the free portion of the congregation. The Presbyterians have two stone kirks, and the Wesleyans two capacious chapels, all of these are very respectable buildings. There are also places of worship for the Independents and Baptists, and the Anabaptists—the Friends have a meeting house, and the Jews have a synagogue; indeed, there is no lack of churches and places of public worship in Van Diemen's Land, and perhaps there is no city in the whole world, with a similar number of inhabitants where religious controversy, and sectarian disputes are so freely tolerated.

The colonial hospital, in Liverpool Street, is a large handsome stone building belonging to the convict department. The prisoners' barracks are well adapted for the purposes intended, and it would appear, as the buildings are merely of brick, that the architects contemplated that they would not be required to remain standing for very many years—in the event of the removal of the prisoners to the peninsulas, these barracks might be converted into factories of some kind. The educational establishments, particularly the grammar school in Macquarie Street, are many of them ornamental—indeed few cities of the same size can boast of so many superior buildings.

The most fashionable drive in the environs of the city is in the Government reserve, along a serpentine road,

with the expanse of Derwent Water on the right hand, and it is usual to proceed through this domain to the village of New Town, and to return by the main or Launceston Road. There is ample room for improvement, in these public grounds, it requires only the taste of another Governor Macquarie, to render the domain of Hobarton equal, if not superior, to that of Sydney. In the paddock are the Government gardens, which served formerly as a hobby for the chief ruler, but when the Royal Society was instituted in 1843, they were handed over to the members. Perhaps Her Britannic Majesty is not aware that she is "patron" of this institution. Her Majesty's representative, the Governor, is the president. The Royal Society was formed "to develop the physical character of the island, and illustrate its natural history and productions," it has an annual grant of £.400 out of the colonial funds. For some years these gardens merely served to raise cabbages and cauliflowers for certain portion of the aristocracy of the city; but of late, Sir William Denison has endeavoured to render the society what it was intended to be, by the founder, Sir Eardley Wilmot. The drive from Hobarton to New Norfolk, distant twenty miles, is as pleasant as can well be imagined: for the greater part of the way bordering on the Derwent, and exhibiting throughout lovely scenery. Few views can surpass in magnificence that from Emmett's Hill, the rise just at the entrance of Hobarton: on one side is the city, the harbour, and the distant cultivated ground on the opposite shore of the estuary; and looking towards the interior, is an extensive expanse of open country, with fine breadth of gentle undulating woodland, interspersed with houses and plots of cultivation, and the silent Derwent is seen here and there winding its way; there are likewise high moun-

tains in the rear, and on either side, steep hills flank the landscape. The drive to Brown's River, about six miles, in the direction of Storm Bay, borders on the Derwent, it is a fashionable resort; on the left is Sandy Bay, in the neighbourhood of which large quantities of vegetables are produced for the city market.

Launceston is the principal town of the county of Cornwall, it may be called the northern capital—it is distant from Hobarton one hundred and twenty-one miles; it is on the North Esk River, just above its junction with the South Esk, the two united form the Tamar. At the entrance of the North Esk is a bar, which is uncovered at low tide: all large ships remain at anchor in the Tamar, below the town, as it is not safe to pass the bar, especially for vessels of any considerable draught of water. The Tamar is a difficult river to navigate, on account of the numerous mud shoals and banks. At Whirlpool Reach it is dangerous to attempt a passage unless with a pilot on board, and even then, a vessel cannot pass through the straits without certain winds, and excepting at particular times of the tide. The river for a few miles is pent up between high land: in its course it runs over an uneven rocky bottom, and just at the entrance or the narrowest part, in the centre of the channel, is a sunken rock—the reach has well been called "whirlpool," and when the tide is running out strong, it certainly has a dangerous appearance—several vessels have been lost at this place. The rock itself might be easily removed, the crown only requires blasting, and, as the water is very deep all around, the *débris* need not be carried away. If there were depth of water over this rock, there would be in fact, little or no danger, for a craft in the centre of the channel, although it might be whirled about, would, by the force of the current, be soon carried through the passage. At Launceston

the tide rises and falls, much about the same as it does at London-bridge. In the Derwent the tide seldom varies more than three feet, and no definite rule has yet been laid down by which its evolutions can be depended upon. It may be said to rise and fall generally twice in every twenty-five hours. At New Norfolk, after high tide, there will sometimes be an ebb for two or three hours, then it will flow and so continue for an hour or two, and then ebb again till the tide is entirely run out; the same eccentricity at times occurs when the water is flowing. This strange irregularity is attributed to the position in which the wind sets, but probably the real cause has yet to be discovered.

It is to be regretted, that the Government has not hitherto adopted means to remove the obstruction in the navigation at the Whirlpool Reach, as Launceston must, from its position, command the trade of the northern portion of the island, which, in an agricultural point of view, is far superior to that of the south. In the immediate neighbourhood, corn is grown very extensively; there are the Norfolk plains, and the Cocked-hat-hill districts, at both of which places are considerable quantities of land, in the highest state of cultivation. An evil exists in respect to agriculture, which requires serious consideration—a weed, called sorrel, is fast covering the ground, and when it once takes root, spreads most rapidly, and stifles the young grain plants—it is designated “colonial clover,” and fields, when seen from a distance, have a perfectly red appearance: when this clover takes possession of the land, the farmer abandons all hope of producing anything like a crop, and breaks up fresh soil. Sheep will eat this weed, and thrive well upon it at certain seasons, but it affords very little food in proportion to the ground it covers: numerous attempts have been made to destroy it, but without

success; continued summer ploughing has hitherto proved the most effectual, yet this is only serviceable in very dry weather, when the scorching effects of the sun burns the turned-up roots. The weed will propagate from the seed, which is very prolific, or from the smallest fibre; so that, if ploughing be attempted when the land is moist, it only tends to spread the growth. The Scotch thistle is another great nuisance, and a serious drawback to the agriculturalist, and also to the sheep-farmer. This botanic curiosity was at first introduced by a gentleman from the north of England, and planted in his garden as a floral treasure; the wind soon scattered the seed over the neighbourhood, and the thistles are rapidly capturing even the bush lands—the main roads, in some parts of the colony, are literally lined with it. Whilst speaking of the drawbacks the farmer has to contend with, it may not be amiss to mention the American blight, so detrimental to the growth of the apple, and to which all the better kinds that have been imported are subject: it attacks the stem, the branches, and the roots; the trees become stunted and deformed in growth, and are ultimately killed. The Author raised large beds of seedlings, had them grafted, at two years old, with such sorts as would not take the blight; and the fourth year, those among the number that were not attacked either in root or branch, were transplanted, and, of course, never afterwards took the contagion: nineteen out of twenty of the saplings were, however, obliged to be thrown away as incurables.

The buildings of Launceston are very mediocre, when compared with those of the capital; indeed, the Government appears to have sadly neglected the place. Colonel Arthur took a great dislike to the inhabitants, they expressed their opinions too freely to please him: he therefore did nothing for them, and the succeeding Governors

have not paid much attention to the place. There is a Government cottage, in which His Excellency resides when he visits the town, which is very seldom: the building is fast falling into decay. The population is reckoned at seven thousand souls, including the military and the convicts. The head-quarters of Her Majesty's 96th regiment are stationed there, with a complement of 450 men: the senior officer in command was formerly the commandant, but that office was abolished in the year 1846, in consequence of instructions from home; since which period, the Police Magistrate may be considered the most influential officer of the local Government. Launceston, or the greater portion of it, is built on low ground, on the margin of the river; and, on the opposite side, there is an extensive swamp; the town is, consequently, at times visited with fogs, that can rival in density those of a London November*. There is now a bridge across the Esk, and, by degrees, the swamp is being cultivated; and it is to be hoped, that when the land is properly drained, these fogs will receive so little encouragement that they will abandon the place altogether. Launceston, or at least the lower part of the town, is anything but healthy, nor can this be any matter of surprise, considering the exhalations that must rise from the mud banks of the river.

When the young colonies of South Australia and Vic-

* This swamp was, in the early settlement of the colony, located to Major Abbot, a former commandant of Launceston; at his death, it was resumed by the Government. The heir-at-law has been for many years endeavouring to obtain possession of this patrimonial estate. The Secretaries of State have, over and over again, desired that the rightful claim of the individual should be adjusted, but *expediency* has prevented the local authorities from re-establishing the owner in the possession; it is, however, to be hoped that the claim will, before long, be settled, and justice be done to the claimant.

toria were first established—Launceston, from its proximity, carried on a thriving trade: from the port, live stock, provisions of all kind, and building materials were shipped in large quantities, but these younger settlements are exporters of almost all the articles that were then sent to them: so the Launcestonians have now no regular markets to supply, excepting those of England; and, as the produce of the neighbourhood is chiefly grain, there appears at present, but little encouragement for them. Many shipments of wheat have been made to England; and, if the casualties were not so numerous, much profit might result from the commerce. Several vessels that have been wheat-laden have been lost, others have damaged their cargoes, and in fact, what with the length of voyage, and various contingencies, shipments of grain to England have been almost given up, as a hopeless source of profit; besides, the local insurance companies will not cover the risk at any premium.

Since the California mania commenced, considerable spurt has been given to the general commerce; this gold fever is not, however, likely to last very long, and, when abated, the prospects of the Launcestonians, in all probability, will become as gloomy as ever.

There are many towns in the interior of the island, some of them deserve mentioning, in consequence of their progressing so rapidly. Campbell Town, and Oatlands and Green Ponds, among the number, are on the main road; all these are becoming of considerable importance. Then there is Richmond, about fourteen miles from Hobarton, to which place a road has been made, and on which a very large sum of money was uselessly expended; this road is called the "Carrington Cut," in consequence of it leading to an estate of the name of Carrington, that belonged, in the first instance, to Colonel Davey, and after-

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wards to the Governor, during whose administration the unnecessary road expenditure was made. Richmond is the key to an extensive agricultural district, and must in time be a place of importance.' New Norfolk formerly bid fair to compete with Hobarton: it was at one time, in contemplation, to remove the seat of Government to that township, but its prospects have been sadly blighted; and, though a lovely place to dwell in, yet it is now little more than a deserted village. The neighbourhood is celebrated for its hop grounds; the hops are superior in quality, and yield in quantity, per acre, more than any crop produced from the hop gardens of England.

It has been remarked that there is no lack of churches, and other places of public worship in Van Diemen's Land. The Church of England is on an extensive and expensive scale. At the head is the Bishop of Tasmania; then comes an archdeacon, an examiner, a registrar, a treasurer, surrogates, &c., and a considerable number of excellent livings, and superior glebes. The salaries of the clergy, not including the dignitaries, generally speaking, with the various emoluments, average from £.300 to £.350 per annum. In the official returns, the ecclesiastical expenditure comprises other denominations, the total amounting to about £.15,000 a year; the whole of this sum is paid out of the colonial revenue. In addition to the parochial clergy, there are very many Protestant, and also Roman Catholic priests belonging to the penal settlements and stations: these come under the convict department, and receive their incomes from the home treasury, through the commissariat. The colonial fund is charged about £.3000 for the Catholics, about £.2000 for the Presbyterians, and £.500 for the Wesleyan mission, the latter amount is paid conditionally that the same be expended in the colony. The Independents are truly independent, having refused the offer of

Government assistance ; so that the Independents, the Baptists, the Society of Friends, and the Jews, all contribute among themselves, to the payment of their own respective pastors, and defray the expenses of maintaining their own places of worship. According to the new charter, the amount, in future, to be appropriated to religious purposes, is not to be *less* than £.10,000 per annum.

If from the £.15,000 at present expended, the sums received by the Roman Catholics, the Presbyterians, and the Wesleyans be deducted, there remains for the disbursement of the clergy of the Church of England, £.9500—in some instances, there are also valuable glebes, which return very considerable rentals. Years since orders from home were sent out to the Governor, to sell or lease all church reserves, and the proceeds were to be handed over to the land fund. In lieu of the glebes, in some cases increased salaries were ordered to be given to the incumbents of the parishes, most of whom ingeniously contrived to obtain the increased salaries, and at the same time kept possession of their glebes. At New Norfolk, for example, the chaplain receives a salary of nearly £.300 per annum, besides the whole of the surplice fees, which, at that place amount to a large sum, and until lately he held a glebe of 400 acres, near “ Brushy Bottom ;” of this church reserve, the Government had, at considerable expense, cleared what are called “ the hundred acres.” This glebe was leased to a tenant, at the yearly rental of £.70 : this, of itself, was a very handsome bonus ; in addition, the incumbent for many years was allowed £.45 per annum from the colonial funds, for the express purpose of “ fencing his glebe,” yet the land never was fenced, either by the clergyman, or by any of his tenants,—unless some dry bush put up partly enclosing a ten acre paddock, may have been so considered, the cost of which could not, by any means, have exceeded

the sum of 45s. In the last official return, this glebe is not set down as part of the property of the incumbent, but merely "the Parsonage:" now this parsonage consists of a superior stone dwelling-house, and about fifteen acres of land in the very centre of the township: part of the land is leased to a member of Legislative Council, at a high rental, as a hop garden, and the remainder is farmed by the clergyman himself.

The returns of the last census, taken December 31st, 1847, give 44,490 souls as belonging to the Church of England, for whose accommodation there are fifty-three churches and chapels, and these have sittings for 13,200 persons. The Church of Rome numbers 9900, and there are four churches, with sittings for 630. The Church of Scotland has thirteen churches, with 2555 sittings, and the Presbyterians amount to 4550. There are forty-one churches and chapels for the Wesleyans, the other Protestant denominations, and the Jews: and there are sittings for no less than 8620 persons, although their population does not exceed 5200 souls. In all, there are 111 churches, with 25,000 sittings.

With regard to education, all classes appear to be most desirous of promoting knowledge. The first on the list—Christ's College, Bishopsbourne, Tasmania—is not adapted to the present state of the colony. Here there is an attempt to follow a course of education, similar to the old system adopted at the universities in the mother country. Subscriptions to the amount of £.5000 were raised in England, in order to endow this establishment, which "has 4100 acres of land belonging to it, 3000 of which are in cultivation. The annual income is £.1200, chiefly designed to form a reserve fund for building. Present liabilities of the trustees £.6000, for purchase of lands*."

* Wood's Tasmanian Kalender.

The college is not patronised by the colonists generally, and the number of scholars is inconsiderable. The whole concern is looked upon in the colony, as a mere land speculating establishment: and unless there be very shortly a complete re-organisation, and the land-jobbing be done away with, the visitor, the wardens, and the sub-wardens, will soon have the College to themselves, and will be enabled to convert it into a homestead for their farming establishments. The Hutchins' school in Hobarton, is much more adapted to the views of the colonists, and is well suited to afford the education the inhabitants would desire their children should receive. Then, for the instruction of youth in the higher branches of education, there is the "High School of Hobart," now building in the Government domain. This institution does not possess thousands of acres like Bishopsbourne, but simply *five*, the site of its own building; it is intended to be on a similar plan to that of the University College in London. Of a more lowly description, yet on a truly magnificent principle, as far as Christian charity is in question, is the Queen's Orphan School at New Town, about three miles from the city. It was established in 1828 by Colonel Arthur, and for this public benefit he deserves the gratitude of all the colonists. The buildings are of brick; they are very extensive and handsome. There is a church in the centre, and a wing on either side; one is appropriated for the girls, and the other for the boys. "The children received into these schools are those of prisoners, male or female, undergoing probation or sentence: orphans, deserted children, or children deserted by their parents; the former class are paid for by the British Government, the latter by the colonial Government*." There are about 400 boarded and educated at the cost of the commissariat, and about 50

* Wood's Tasmanian Kalendar.

are paid for by the colonial funds. The boys are 243, the girls are 205 in number. The expense of each child's maintenance, clothing, pay of officers and servants of all descriptions, including repairs of buildings, averages from £.10 to £.12 per annum. When of sufficient age, the orphans are apprenticed, to such persons of respectability, as may please to apply for them, and, from the nature of their education, the youths give very general satisfaction to their employers.

There are many Government schools, and there are seminaries of various kinds, besides which there are the infant schools, and the Sunday schools—indeed there may be said to be a school fever just now raging among all classes of the people. With the infantile population, scholars are sought, and fought for, with great zeal, and the number the school can muster, is unfortunately too frequently considered, of far greater importance than what the children's heads are taught to contain. The fever (certainly not a malignant one) is nevertheless contagious, for the chief authorities, or the Government, are schooling extensively on a small scale, or rather for small children. The Government schoolmasters, when they can collect forty pupils, receive £.60 per annum—if they can exceed that number their salaries increase, the payment being made at the rate of so *much per head*! The Church of England and the Government day schools, are distributed over all parts of the interior: and the Government Roman Catholic schools are at Hobarton, Launceston, and Richmond. By means of the colonial fund, no fewer than 3500 children of both sexes are educated, and at the Sunday schools are about 2500 more. Besides all these scholastic institutions, there are other establishments of an educational description, such as the Mechanics' Institute: this is assisted by the colonial fund to the extent of £.150 per annum, on

condition that a similar amount be annually raised by subscription. There are very many more subscribers than are required to obtain the sum named. The establishment is conducted upon the same principle as are similar institutions in Great Britain. The subscribers possess an extensive and valuable library, and the whole concern is in a thriving state. In Hobarton, there is one very valuable regulation enforced among the shopkeepers and traders—all the respectable stores and places of business are closed at or before seven in the evening, and few persons ever think of making purchases at the petty shops, that keep open after that hour. The effect of this is very beneficial, for it allows the young men who are engaged all day in toiling for their masters, to have some time in the evening for recreation or study: the shopmen of the city have formed themselves into a well organised society to further their own interests. The Hebrews close their stores and places of business two days in the week, and yet, during the five they are opened, they generally contrive to turn over quite as much money as Christians can during the six. Late hours behind shop counters, are terribly destructive to health. In densely populated cities, thousands of our fellow-creatures are destroyed, before they arrive at mature age, entirely in consequence of their being thus subjected to the unhealthy labour. Were the benevolent of the great metropolis to follow the example set by the inhabitants of Hobarton, they would be conferring a greater benefit on their fellow-creatures at home, than they can effect by endeavouring to abolish slavery abroad. In Van Diemen's Land, not a public house is allowed to remain open, after the clock strikes ten, the consequence is that the utmost order prevails during the night.

There are agricultural and horticultural societies, and gardeners' societies, and societies for the prevention of

stealing sheep and cattle ; indeed, merely to enumerate the different societies of the towns and townships, would require a little volume.

The hospitals of Van Diemen's Land are numerous ; there is the General Hospital, in Hobarton ; another at Launceston ; and at each convict station there is an infirmary of some kind or other, with a surgeon or medical officer in charge. In Hobarton, there is the self-supporting Hospital of St. Mary's ; one of a similar description, St. John's, is at Launceston ; and there is the General Dispensary and Humane Society, supported by voluntary contributions, in the capital ; and there is also a Dorcas Charity. The most extensive of all these kinds of institutions is the Asylum for the Lunatics, situate at New Norfolk. Several hundreds of poor insane patients are confined within the building ; it belongs entirely to the convict department. Insanity is far more prevalent among the prisoner population, than among any other class of persons ; but, considering the dreadful vicissitudes of life experienced by many of that description, it cannot be a matter of surprise to find that, frequently, the intellect is unable to bear against the mental suffering : another cause, and it is the one generally supposed to be the most productive of insanity, is the large quantity of spirituous liquors that are consumed by some of the lower order of prisoners. Very little attention was formerly paid to the insane confined at New Norfolk, and, indeed, *cure* is seldom attempted—some strange tales are told of the cruelties that were practised within the walls, by those persons whose duty it was to attend to the wants and comforts of these unfortunate creatures.

CHAPTER X.

REVENUE—BLUE BOOK—NO TAXES IN THE COLONY—IMPORTS—
DISTILLATION DUTIES—JONATHAN'S TRADING—REAL VALUE OF
LAND—BRITISH BANKS INJURIOUS—CURRENCY—MANUFACTURES
—EXPORTS—WOOLLEN AND PAPER FACTORIES REQUIRED.

THE revenue of the colony is raised by means of duties on imported merchandise, by the payments made for licences to sell spirituous liquors, by fees of public offices, and by fines. The land revenue, raised by the sale and leasing of Crown lands, is, at times, a very important adjunct to the Colonial Government—it is something like the national “sinking fund,” for whenever hard pressed, the local authorities do not hesitate about borrowing therefrom. There are, however, certain regular charges made upon this fund, and whenever released from emergent demands, the surplus is to be appropriated to emigration purposes. As the colonists have had no control whatever over the local revenue, it mattered to them very little what accounts were rendered; so that, on examining the colonial blue book, or “statistics of Van Dieman's Land,” the reader at once becomes posed, for no human being ever could unravel the accounts; nor was it even supposed when the reports were drawn out, that either the home authorities or the inhabitants of the colony, would be able to com-

prehend them—it was intended to mystify, and so far have the local authorities succeeded.

The grand aim of the Government of Van Diemen's Land has, for years past, been to keep up the exorbitant expenditure. So long as the Governor for the time being, could, year after year, carry on his Government without coming to a "dead fix," was all that was of consequence to him, and when removed from office, he cared very little how much the pecuniary affairs of the colony might be involved. Fortunately for the chief ruler, there are two purses, three, including the land fund—the most important is that of the Commissariat; and, not many years back, the British expenditure was, for a time, at the rate of nearly four hundred thousand pounds per annum. It is not generally known in the colony what may be the actual annual expenditure for convict discipline, and for the military, but the amount cannot be directly much under £.250,000; and, indirectly, it must exceed that sum. The expenditure of the local revenue, may be reckoned at £.140,000, so that, by a very little ingenious jumble of the payments, made by the two treasuries, by occasional loans from the Commissariat, and from some of the colonial banks, it may readily be understood, that an ordinary financier may carry on, and yet the colony may be over head and ears in debt. In 1844, the returns give loans "in aid of the revenue, £.50,000,"—in 1845, £.32,000,—in 1846, £.6,000,—in subsequent years, it is not known what further sums may have been required. As the revenue, including the "extraordinary" and land fund, does not exceed £.130,000, and as the expenditure is about £.140,000, it consequently follows that the colonial debt is not in any manner decreasing. It is fortunate for the colonists that they have now, in some degree, the control

over their own pecuniary affairs, otherwise the home appointed Government officers would soon have involved them in a debt, far more considerable, in proportion to their population, than is the national debt to the inhabitants of Great Britain.

One of the greatest blessings pertaining to the Australasian settlements is, there are no *direct* taxes, no excise, nor any poor-rates: and the people appear to be determined there shall be none—not a single levy can be made in the name of the Queen, unless for customs, fees, fines, and rents. True, there are a few turnpikes in some places, but it is very doubtful whether even these will not be immediately done away—true also, there was in Van Diemen's Land a dog *tax*, and enough disturbance it caused, and the stand made against the imposition, connected with the conduct of the Port Phillipians, induced the present ministry to expedite the passing of the new charter. (See Appendix, H.) Not any rates whatever are payable in Van Diemen's Land, not even for the making, cleansing, and lighting the towns and cities—whether all such expenditure will hereafter be chargeable on the general revenue, remains with the inhabitants to determine.

The expenditure of the local Government is fast increasing, the actual amount divested of certain complicated combinations, that was appropriated for salaries for the year 1847, was £.114,000—for the year 1848, £.116,000—for the year 1849, £.136,000—and in 1850, it was expected to be increased to £.140,000. Such an expenditure, leaving out of the question the large Parliamentary grants, (because the Home Government is charged therewith,) is really monstrous, and quite unreasonable for a small community like that of Van Diemen's Land. The taxation, direct and indirect, in Great Britain, is only one

pound five shillings per head, whereas, without any national debt, or any Queen's household to support—without army and navy, the sums levied by means of the customs, fees, &c., average two pounds fifteen shillings for every male in the colony, that is including infants, the soldiers belonging to Her Majesty's regiments, and every prisoner of the Crown, whether in assigned service, or at the penal stations. It has frequently been observed, that no place in the world is more severely taxed than is Van Diemen's Land, and all to support a Government, nineteen-twentieth of the duties of which, consist in carrying out the convict discipline of Great Britain. At page 58, it will be seen that the expenditure for South Australia, including judicial and clerical, is only £.43,000 per annum, and the population amounts to 56,000, whereas, in Van Diemen's Land, the free and freed inhabitants only number 43,000, and yet the annual expenditure is no less than £.140,000. Surely this is very unjust, and the excess must be attributed to the circumstances of Van Diemen's Land being a penal settlement, and the surplus, supposing it to be necessarily disbursed, must be expended for the enforcement of convict discipline.

The imports of the colony are chiefly from the mother country, and average about £.750,000 per annum; the exports are about £.600,000. The principal articles exported are wool, wood, wheat, and oil; those imported are woollen goods, cottons, hardware, wines, and spirits, &c. Of woollens nearly £.100,000 in value are annually required, and of spirituous liquors between 60 and £.70,000—this includes malt liquors. Colonial industry is rapidly opening a new era in the state of affairs; the people are beginning to find it necessary to supply themselves with the requisites of life. Thus beer, which was till within a few years imported

so largely from England, is now made of excellent quality, and there are no less than fifty breweries in different parts of the colony. The ales of Hobarton are superior to any produced in Great Britain, nor ought this to be wondered at, when it is recollected that the island produces grain, barley especially, of very superior quality, that hops are of the finest flavour and exceedingly cheap, and that the water is as good as any that can be obtained in the world—added to all these advantages the maltsters and brewers are British workmen. With better articles the inhabitants ought to produce superior qualities, and if they cannot, or do not do so, it must be their own fault. The price of the ales is exceedingly moderate, for there are no taxes, either on the malt, the hops, the water, or even upon the coals. The Hobarton brewers have not hitherto succeeded in the making of porter, that which has been produced has been something like the London in flavour: it would, however, not keep for any length of time. As the colonists have the best ale in the world, they ought to be satisfied therewith, and leave the drugged “black draught” for others. Wines, too, of excellent quality, have been produced in the island, but the climate is not sufficiently warm, to ripen the grape, to give it the rich luscious flavour that is obtained in New South Wales, and the other northern settlements on the continent of Australia. Formerly, distillation was carried on very extensively—but the rulers found it much more difficult to levy the duties on the manufactured article, than it was to raise them on goods imported, so distillation was suspended; the object with them was not what was best suited for the interests of the people, but in what manner, funds to pay their own salaries, could be most readily obtained; and it was found that seizing the spirits on landing, and detaining them in bond, until the duties were paid, was a far easier method

of raising money, than collecting it by means of the "inspectors of distilleries."

Governor Macquarie has, by some writers on New South Wales, been accused of encouraging, more particularly, the interests of the emancipated portion of the population; and it is asserted, that he did not pay sufficient attention to the welfare of the free. At the time that he had the command, it could not be expected that much attention would be paid to the affairs of a distant penal settlement, nor was it likely that emigration could be carried on to any great extent; the people at home were too much occupied with the war then raging, and the surplus population was being carried off by meeting death on the field of battle. Macquarie, moreover, did not entertain a very high opinion of the free portion of the colony, many of the emigrants that had arrived during his time, in his opinion, consisted of persons who had "left their country, for their country's good," and had they not reached the settlement as free emigrants, might, in all probability, have had the expense of their passage defrayed by the Crown. There was, indeed, something like truth in his observation, that the inhabitants of New South Wales consisted of "those that had been convicted, and those that ought to have been." Governor Macquarie saw the propriety of encouraging the agriculturists, who were mostly emancipists, he considered that by allowing distillation, he would be affording a constant market for the grain-grower. If spirits were to be consumed, he judged that it would be far better to manufacture them in the colony, and thus disburse the profits among the people, rather than by importation, permit foreigners to be the gainers. In his despatch to Earl Bathurst, dated the 28th June, 1813, he says:—

"The first point adverted to in your lordship's despatch of the 23rd of November last, is the expediency of permitting a regular

distillation of spirits to be established in this colony. On this point I have no hesitation in affirming, that such a measure will be attended with incalculable advantages to this colony and its inhabitants; and that no measure has ever yet been thought of that will tend more to improve and enrich the country, providing it be established on proper and just principles, and under reasonable restrictions and limitations."

Had distillation been carried on, as it ought to have been, very many hundreds of thousands of pounds would have been saved to the different settlements, and the money would have been expended in colonial improvements. Every shilling retained in a young colony, is a shilling made. The present formed Legislature of Van Diemen's Land, will, no doubt, again introduce distillation, and thus save idle expenditure, and afford encouragement to the farmers. The duties levied on spirits, at the present time, are nine shillings a gallon, on rums, gins, and whiskeys; and on brandies and other spirits, twelve shillings.

All British goods are imported free, and the productions of foreign states are subject to a duty of 15 per cent. *ad valorem*. Many articles are now obtained from foreigners, which, if subjected to a protective duty, the colonists would soon find it their interest to supply.

Whilst in the mother country every endeavour has been made to open free trade, the Government of Van Diemen's Land has, on the contrary, been throwing every possible obstacle in the way, and has actually been imposing duties on articles the produce of the adjoining colonies. Thus, tobacco was imported in large quantities from New South Wales, and as it was of an inferior quality, was used for sheep-washing—the importations being found to be injurious to the revenue, a prohibitory duty was imposed. The Government of New South Wales returned the compli-

ment, and levied an impost on all grain imported from Van Diemen's Land. If equalisation of duties—if free trade be advisable in the mother country, where so much money is required to be raised for the payment of the interest on the national debt, and other necessary expenditures, how much more desirable must free trade be in a young colony where there is not, or rather should not be, any debt whatever. In the original draft of the new charter, it was very judiciously laid down by the framers, that "no duties shall be imposed upon the importation of any articles into one of such colonies which are not equally imposed upon the like articles imported into the other colonies, and that no duties shall be imposed upon the carriage of any articles from one of such colonies to another, except such as may at any time be also imposed upon the carriage coastwise of the like articles from one part of any one or more of such colonies to another part of the same colony." This equalisation could not have been otherwise than beneficial—unfortunately, however, the power of imposing such duties for the colonies was to remain with the general assembly; but the Lords having cut out of the bill all the clauses relating to the upper house, the power of imposing duties remains with the respective legislative councils, and the colonies can levy what impost they please, without reference to reciprocal advantages.

Brother Jonathan periodically visits the ports of Australasia, with his cargoes of "chow, chow," "notions;" and these notions, for the most part, consist of the very goods that ought not to be imported, for all of them the colonists can, if they please, grow or manufacture. If excessive or prohibitory duties are to be allowed, they should be levied on such articles as can be obtained by means of the industry of the people—not upon those that the inhabitants cannot

themselves produce. Thus, instead of prohibiting distillation, on the contrary, it should be encouraged; and at the same time a prohibitory impost levied on all imported spirits.

"Jonathan" is the most business-like of all traders. A craft arrives in one of the Australasian ports, the cargo is sold, and the vessel immediately disappears, the super-cargo generally taking away hard cash in exchange for his goods; and with it he usually proceeds to China, where silver is almost the only article that will purchase tea. Soon after his departure perhaps another American is signalled, when the captain, finding himself forestalled, at once leaves, and seeks some other market. Thus Jonathan is invariably trading from one place to another, whereas English merchant vessels, are almost always, mere carriers, bound from one port to another. This is chiefly owing to the old laws and regulations, which prevented free trade; had it been otherwise, the English merchants would, no doubt, have imitated the Americans, and have despatched their ships, giving instructions to their captains to sail from one market to another. American goods are seldom superabundant in any of the colonies, whereas it frequently occurs that there are perfect gluts of British manufactures. Nine or ten months is a long time to look forward to, and however much an article may be in requisition to-day, no one can tell but that on the morrow the market may not be overstocked. An English merchant sending out goods, consigns them to some agent in the colony; they must be landed, for the vessel is to be unloaded immediately, in order to take in her return cargo, perhaps all ready, waiting for her: so that if the goods brought out are unsaleable, and yet are in demand in one of the neighbouring settlements, they must be re-shipped, incurring all manner of

expenses and delay ;—whereas Jonathan, if he cannot sell on advantageous terms at one port, himself starts off and supplies another, with whatever he may have to dispose of.

When discussing the expenditure and revenue of a colony, there are many things to be taken into consideration. The revenue may greatly exceed the apparent expenditure, and yet the pecuniary prosperity of the colony may be retrograding. From the very considerable outlay of commissariat money, Van Diemen's Land ought to be almost superabundantly supplied with capital—the whole proceeds of the expenditure of the home treasury, should be added to the annual income of the settlement ; for whatever the convict departments take from the settlers, must be so much money added to the wealth of the inhabitants. Unfortunately, however, for Van Diemen's Land, there are heavy drawbacks which, generally speaking, are lost sight of. During the more prosperous times, when the new colonies were being formed on the continent of Australia, produce realised very high prices, and then it was the general opinion, that it would be impossible for land and stock to be reduced much in value—experience of former years was cast aside, and all appeared sunshine. The settlers, therefore, gave a fictitious value to their land, and hesitated not to borrow money on one estate, in order to purchase crown land, so as to increase the extent of their sheep runs. In thus mortgaging their grants, it was not taken into consideration the amount those grants would annually return, but the lender advanced about one-half the nominal value, and the money lent was to pay interest, sometimes as high as 20, and even 25 per cent. As long as land and stock kept advancing, it was all very well, the interest was paid—but when land fell in value, and breeding ewes came down from two guineas a head to five shillings,

the game could no longer be kept up—wool and carcases would no longer pay the interest of the money borrowed, and therefore ruin followed. At the time land was rapidly increasing in nominal value, vast numbers of capitalists arrived in the colony, and these laid out a great portion of their wealth on mortgage, and seated themselves down as farmers with the residue. In purchasing stock they, of course, did so at the advanced prices—when the bad times came, these capitalists found their means gradually decreasing, and, in order to keep themselves afloat, they were obliged to part with their mortgage deeds ; and there being no monied men in the colony, foreigners were sought after, and large sums of money were sent down from India, and considerable amounts were forwarded from England, to be invested on the profitable terms at which money was then lent. This influx of capital for a time relieved the settlers, but the evil was not curable—down went the value of the lands, and the result was, a few years effected a transfer of the grants from the original settlers to the absentees ; who now claim by far the greater portion of the estates in the interior of the island. In many cases the estimated value of the lands, appears to have been fictitious altogether, consequently no interest in the shape of rents can now be raised on many of them. A great number of estates, and especially sheep-runs, are let to their former proprietors, and the rentals are remitted to the foreign landlords. In thus describing the settlers to be merely tenants, it may be as well to explain, that the overdue mortgages, running over the properties, have not, generally speaking, been foreclosed, and for this reason—it is more to the advantage of the mortgagee to have a tenant who will pay a high rate of interest, and call the farm his own, rather than to have a tenant who pays a low

rent, and has no other object in view, than making the most he can by forcing the land.

The amount of interest, on the capital borrowed, has been rated differently by various writers; it may certainly be reckoned at above £.200,000 per annum. In estimating the value of land, if it be a sheep run, there can be no very great difficulty in the task. For instance, suppose a sheep farm of 4000 acres will only carry 2000 sheep, and wool to be worth a shilling a pound, and each sheep to produce two pounds and a half of wool, the sum is soon made out. Then, allowing interest, for capital invested, reasonable profit, and expenses, and the correct amount, of what ought to be the rental, is soon obtained. Some will say, "there is the increase," but the increase cannot be taken into consideration, when referring to the value of the land, because the 4000 acres will only carry the 2000 sheep; if more stock be added, the animals will starve each other; so that, if the increase is to be reckoned, more land will be required to support the sheep, and, consequently, a greater outlay of capital. When the rental is thus fixed, the value of the run can be easily obtained. At present, land in the colony is, in reality, far below its intrinsic worth; that is, speaking in a general point of view: for example—the 2000 sheep produce 5000 lbs. of wool, at one shilling a pound, amounting to £.250; the expenses and fair profit ought not to exceed £.100; leaving a residue of £.150; so that, at 10 per cent., the 4000 acres are safely worth £.1500; whereas, a run of 4000 acres, that would *only* carry 2000 sheep, would certainly not be saleable at five shillings the acre, or realise anything like £.1000 for the whole grant. It is owing to the want of capitalists, that land is not estimated at its real value in Van Diemen's Land; that is, it is not worth the interest and profit it will

produce, if leased ; and, consequently, now is the time for monied men to come forward and purchase ; but, people always flock to the same point, and when sheep were selling at two guineas a head, and sheep runs at three pounds an acre, there were numerous purchasers from all parts ; but now, the prices are down, below their reasonable value, very few buyers can be found.

Persons will, naturally, rather rent land at one pound per hundred, than purchase at ten shillings per acre. Most, if not all, of the available land of Van Diemen's Land is now rented from the Government ; and, the leases, as will be seen by reference to the land regulations, cannot well be cancelled. Persons that are desirous of renting land, may assuredly most advantageously settle themselves on the continent of Australia, and there become squatters ; but, as already explained, there are many so circumstanced, that they had better dwell in a populated colony, like Van Diemen's Land, than possess the run of millions of acres, and millions of sheep in a wild uninhabited desert. People in this "scrambling for money life," are too apt to forget, there really is, or ought to be, something worth living for besides the actual bits of coin, which they cannot take with them after their brief career on this globe is terminated.

The banks, that is, the British banks, are injurious to the interest, not only of Van Diemen's Land, but of all the colonies—gold will not beget gold, although one sovereign may, by financiers, be made to represent five one pound notes. If the capital of the banks, which, in many cases it does, belonged wholly to the colonists, then the interest paid for money, merely goes from the pocket of one colonist to that of another ; but every halfpenny abstracted from the island, in the shape of dividend to the English shareholder, is so much labour wasted to the inhabitants.

Should anything arise, by means of which the British-colonial banks would be required to withdraw their capital, then the colonists would indeed be awkwardly situated, and ruin to very many would be the certain result*. The loss sustained by the depreciation in the value of land and stock directly, caused ruinous consequences, but it was the money-lender that, ultimately, had the pecuniary loss: so, with respect to usury, which was allowed to be carried on—usury may be said to have eaten itself up: some persons who practised it, were so fortunate as to leave off the money trade in time, but those who continued it, in the end, lost the capital invested. So long as the borrower can obtain the use of money, and, by properly applying it, is enabled to pay the interest, and live, well and good; but the borrower, having no money of his own to lose, if loss is to be sustained, it must, ultimately, fall on the lender.

It is not an uncommon occurrence, to see British goods selling in the colonies, at considerably less than their cost; when this is the case, it must be the capitalists that suffer. The merchant disposing of the goods, fails—he loses nothing; he had nothing to lose, because the property was not his own. The evil remedies itself in some measure,

* The following is a general abstract of the sworn returns of the average assets and liabilities, and of the capital and profits of the undermentioned Banks of the Colony of New South Wales, for the Quarter ending 31st March, 1850:—

BANK OF AUSTRALASIA.—Liabilities, £.522,565 18s. 8d.; assets, £.836,275 12s. 2d.; Capital paid up, £.900,000; rate of last dividend 3 per cent.; amount of dividend, £.13,500; reserved profits, £.08,518 15s. 7d.

UNION BANK OF AUSTRALIA.—Liabilities, £.650,511 13s. 9d.; assets, £.758,228 12s. 3d.; Capital paid up, £.820,000; rate of dividend, 0 per cent.; amount of dividend, £.33,756 13s. 4d.; amount of reserved profits, £.85,517 7s. 2d.

and the failures of private individuals liquidates the public debt. The colony may owe £200,000; and this sum becoming due, must be arranged—A. & B., merchants, are liable for one half this amount; but when remittances are required, A. & B., instead of collecting their £100,000, become insolvent and pay nothing: it is, however, not A. & B., that have lost the money, but it is the foreign capitalist. Were it not for cases of this kind, the colonists would not have been able to carry on at all; for not only would every inch of the ground, in the interior, have belonged to absentees, but the stock, and the towns and townships also. Fortunately, the law in force in New South Wales, which empowers the mortgaging of flocks and herds, has not been introduced into Van Diemen's Land; so that, at all events, the goods and chattels remain the *bonâ fide* property of the colonists.

As before observed, were the money expended by the home Government, all retained in Van Diemen's Land, the inhabitants must, by this time have been almost rolling in wealth; as it is, the greater part of that money has been remitted for interest due on mortgages, and on loans advanced through the British-colonial banks. That the money obtained, by one means or the other, is now becoming more than is annually expended in sending it away, is self-evident, from the fact, that, within the last year or two, very considerable sums have been invested in the colonial fisheries and manufactories: and, as these improve, so must the wealth of the colonist, generally, be increasing. During the time Van Diemen's Land was so terribly involved, the fishery was almost abandoned; but, of late, it has had a fresh spurt given to it—money, in fact, can be found to fit out whaling vessels, and the colonial capitalist has discovered, that there are other means, far more safe, and, there-

fore, really more profitable, than employing money in usury.

In the years 1826-7, the monetary affairs were in an extraordinary state—the improvements that were taking place in the towns were truly surprising. There then was a currency unlimited in every sense, for the merchants and the shopkeepers issued promissory notes of their own, some of one pound, some of ten shillings, and some as low as threepence; these served as a circulating medium; the trader gave goods for these, and the workmen received them in payment for their wages. So easily was money then made, that it is reported of a certain Scotch builder, when surrounded by some score of clamorous workmen, waiting for their week's wages, that he excused himself from paying the men, on the plea that the printer could not print his notes fast enough. This currency was, however, fictitious—perfectly unsubstantial: a hundred pound Treasury Bill became worth one hundred and fifty pounds currency; and, as there was no limitation, ultimately a general stoppage took place, and very many were severe sufferers before sterling payments could be arranged. During the time this accommodation paper was afloat, the prosperity of the colony, unquestionably, most rapidly increased; and having had such proof of what may be done under such circumstances, the questions worthy of consideration are, whether a currency in a colony is not advantageous—and whether, by increasing the value of imported articles in a young settlement, a stimulus, is not given to local industry. For instance, Treasury bills, or such other means of payment to the stranger, being worth more than the currency, does it not serve as a protective duty? When land was first sold in Van Diemen's Land, the money raised thereby was abstracted from the people—

so now when land is disposed of, in the adjacent colonies, the sum paid for it, is a total loss to the wealth of the place, because it is sent away and elsewhere expended. Supposing there were only £.500,000 in one of the colonies, and that £.500,000 worth of land was disposed of by the Government *in that colony*, it is perfectly clear that the whole capital must be abstracted, and if sent away, must be a total loss to the settlement—just so is it, in proportion, as smaller quantities of land are sold, and the money forwarded to England for migration purposes. In the year 1833, a gentleman of the name of Banister, who was then sheriff of Van Diemen's Land, proposed that a Government currency should be established, subject to limitation; his plan was that the local authorities should issue a paper currency to the amount of the annual Government expenditure, and that the notes should be considered as cash in the payments for land, and for duties, and, in fact, for all Government receipts—had the system been adopted, it would, by increasing the value of sterling, in all probability, have prevented much ruinous speculation: and there certainly would have been at all times, a healthy circulating medium for the inhabitants. The banks, all of them, issue a currency in the shape of their notes, and reap considerable advantage by doing so. The profit arising is divided among the individual shareholders, but surely the gain properly belongs to the public; and, if currency notes, or notes of any kind, are to be issued, they should be those of the local Government, and not those of money speculators. The present bank notes certify that sterling shall be paid on demand, but silver coin being generally more plentiful than gold, that cumbersome description of sterling is handed to persons that may require such kind of payments—so that, in fact, there is a difference in value between the coins of the realm.

The energies of the colonists, for some years past, may be considered as having been paralysed by their pecuniary difficulties; some knowing not what else to attribute the stagnation to, declared it to be entirely owing to convictism, whilst others took a diametrically opposite view, and asserted that unless transportation had continued, the ruin of the colony would have been inevitable. Had transportation suddenly terminated some ten years back, there can be no doubt that a very general ruin would have followed: but then people do not take into consideration the numbers that, since that time, actually have become insolvent; and although had transportation ceased, double and treble the numbers would no doubt have become so, yet it is questionable whether, after the general shock which must have taken place, the colony would not, by this time, have been on quite as firm a basis as regards its prosperity, as it is at present. The colony may be likened unto a trader dreadfully involved, knowing not which way to turn for the best; had he wound up his affairs ten years back, he might have started again, and by this time be carrying on a thriving business; but somehow or other he has scrambled through his difficulties, and by degrees has either paid off or settled, in some way or other, the various claims against him. Thus with the commissariat expenditure, and other resources, he can now not only pay the interest due for monies owing to the foreigner, but can obtain a comfortable living, and by degrees save money to lay out in profitable investments, such as the fisheries and manufactories. Perseverance and industry have enabled him to conquer his difficulties.

Not very many years since, settlers thrashed out their grain, and burnt their straw-stacks, to get rid of the incumbrances; but reverse of fortune has proved to them the value even of straws—farmers, till of late, never troubled

themselves about successional crops, and in the most indolent manner, year after year, sowed wheat after wheat, on the same ground : and the English agriculturist may have some idea of the richness of the land in some places, when he is told that for twenty-two years one allotment, or field, at New Norfolk, was sown with wheat ; that during that time it was no more than surface ploughed, and that it never had even a wheelbarrow of manure put upon it—and that to the last it gave, what in England, in some parts, would be considered above an average crop. Corn was formerly raised too easily : with very little trouble, settlers depended upon reaping fifty or sixty bushels of wheat to the acre, and they reckoned ten shillings a bushel only a fair remunerating price—anything less was considered by them to be ruinous ; in time, six shillings was fixed as a fair rate, and then it was agreed that wheat could not be grown under five shillings. Settlers went on grumbling ; they were, however, forced to improve their method of farming—the straw stacks, instead of being burnt, were converted into manure ; and now that wheat averages only four and three-pence a bushel, no further complaints are heard.

Among the articles that may be ranked first in importance, as manufacture, is that of sawn timber. The island is well covered with the hard woods, and a most lucrative trade has sprung up within the last few years in the exportation of building timber, to the several adjacent colonies, more especially to Melbourne. The size of the trees in Van Diemen's Land would startle an English woodsman—to describe their height and thickness would give an imperfect idea ; but some opinion may be formed of the length of the saw-pit required, when it is asserted that the planking of one vessel, the *Tasman*, built in Hobarton, was of

sixty-feet lengths, and that last year there was a squared log laid down for a keel, in one of the ship-building yards, which was two-and-a-half feet by three, and one hundred and twenty-four feet in length—and so sound was the wood, that none but those experienced in the trade would have been able to have pointed out the butt end. The amount of wood exported does not equal in value that of wool ; but it is far more profitable, inasmuch, as so many hands are employed in preparing it for shipment. The sheep farmer wants but few persons to attend his large flocks, and shear his golden fleeces, but the timber requires labour to render it valuable. The first blow of the axe makes the tree worth something, the cross-cut saw adds to its value, and by the time the tree is cut into planks and joists, it becomes marketable ; and, as it is shipped and landed in another colony, so does it, by the means of labour, in every stage, increase in worth. Timber was, not many years since, imported from England ; and, in some cases, Norway pines were actually used for joists and rafters ; none is at present imported, save, now and then, cedar from New South Wales, and a small quantity of light deals, required for doors and sash frames ; and the latter is generally obtained from New Zealand. Shooks, for oil casks, were brought from England, but wood, for the purpose, is now obtained from the Huon River and other places on the coast ; and the Hobarton coopers make the best oil casks in the world : the wood used by them will neither shrink nor swell, whether exposed to the scorching heat of the sun, or the pouring rain ; the loss of oil, by leakage, on the passage home, which formerly was very considerable, is consequently reduced to a mere nothing. The same wood is also worked into what are called American chairs and American buckets, and so exactly is brother Jonathan imitated, that no one

can tell the difference, excepting in the wear and tear, when one of Hobarton will be found to last out two American. There is, nevertheless, very considerable difficulty in competing in prices with Jonathan in these articles, and for this reason, these kind of goods are manufactured by convicts in the American penitentiaries : and are, in order to protect the free trade, not allowed to be disposed of, excepting for exportation, so that they are sold exceedingly cheap, and actually the manufactured articles of convicts, which the Americans will not allow to interfere with their own free traders, are permitted to be landed in the penal settlement of Van Diemen's Land, to the injury of the free British subjects. Large sums of money were formerly expended in the importation of English furniture, but this trade is at an end. Some persons, who know not better, when migrating, will take with them articles of that description, and to their mortification, when they arrive in the colony, they find they can purchase similar, quite as good, at one half the price their's have cost them ; and this is not to be wondered at, when woods of all kinds can be obtained at very low prices, and there are London joiners and upholsterers that can convert the wood into furniture.

One very important feature, proving, beyond a doubt, that the colonists are prospering, is, the fact that so many colonial vessels have lately been built, and others are now building. Ships of six hundred tons and upwards, have been sent from the stocks in Hobarton, within the last few years, and these are the *bonâ fide* property of the colonists—in fact, part of their wealth. As to durability, no vessels can equal those of Van Diemen's Land ; having first-rate English shipwrights employed, the master builders ought to be able to send good vessels to sea. The fact, that ships that have been built in Van Diemen's Land, that have

required British registers, having at Lloyd's been classed first-rate, and, for the longest period of years, speaks volumes in favour of the ship building. The copper required for fastenings and sheathing are at present imported from England; but, surely, with so much of that metal at Adelaide, it will not be very long before all heavy copper work for ships use, will be supplied from that colony. Cordage, of excellent quality, is made on the island, of the New Zealand flax. Blocks were, until lately, all imported, but now there are mast and block makers. Ship building is also carried on to a considerable extent at Launceston, and many vessels are constructed on the coast. A shipwright will, during the summer, start off in a whale boat, with a few tools and stores, and, men on a "lay,"—that is workmen who are to become shareholders, in the craft to be built. The builders require but few tools at starting; an axe or two, and a cross-cut saw, and a few files, will perform wonders in the bush, when placed in the hands of men who know how to make use of them. Some favourable site is chosen, a saw-pit made, the timber cut and allowed to lie on the ground to season; and then a spot is cleared for the stocks, the keel is laid, and the ribs are lifted to their places, and the ground, where the wallaby so lately had undisputed possession, soon becomes covered with a huge monster for the deep. As the vessel draws towards completion, some person will advance money, holding the craft as security; with that money, her fittings are purchased: and at length completed, she arrives in the port, where, being sold, the whole of the building party enjoy a "flare up" for a time, and then betake themselves to the same, or some other more favourable spot for the purpose of constructing another vessel.

When the farmers burnt their straw stacks to get rid of

them, the butchers of the town threw the skins of the cattle and sheep they slaughtered on their dung-hills, and allowed them to rot, to the great annoyance of the neighbourhood : now there are many fell-mongers, some of whom have realised considerable properties ; and there are tanners in abundance, and hides in their raw state, and hides tanned for sole leather are exported to England in very considerable quantities, leaving, according to all accounts, a very handsome profit. Here, again, there is no reason why leather cannot be manufactured in the colony as good as in England, and at a much cheaper rate. The hides are to be had at a low price, or else they would not be exported to London in their green state ; bark can be procured for the labour of stripping it, and carting it to the market ; no taxes on any of the articles, and the mimosa, in its green state, is the most powerful astringent that is used by the tanners. This article is exported to England, and although so bulky, yields a considerable profit to the shippers. With English tanners, and all the advantages of cheap materials, it would be a disgrace to the colonists could they not supply themselves, and were they not also to make leather an article of foreign commerce. Upper leathers are more expensive, in consequence of the great amount of labour required in the manufacture ; they are, however, preferable to any in use in England, being usually made of kangaroo skin :—the exportation of light qualities does not, therefore, pay so well as the heavier.

The manufacture of soap has been carried on for some few years by an enterprising colonist, named Cleburne, and with such success, that none of the common kinds are now imported from London or Liverpool—not only is the article manufactured of a very superior quality, but the

price is considerably below that which imported soap can be sold for: here again, this is not to be wondered at, when it is recollected that the colonies partly supply the English market with tallow, and that formerly their own tallow was returned to them, converted into soap. Most of the Australian colonies and New Zealand, patronise the Hobarton manufacturer for the best of all reasons, because he supplies a better quality, and at a cheaper rate than can be procured elsewhere. The same individual has very extensive salt works, and by far the greater quantity of salt used in the colony, and in some of the adjacent settlements is supplied by him. As yet the finer kinds only have been produced, the strong coarse salt of Liverpool being yet imported, probably before long, even this will be dispensed with altogether. Candles, requiring no very great outlay of capital, in the erection of the manufactory, were almost the first things the dealers turned their attention to; and although some fifteen years back every tallow candle that was burnt, was brought from England, now an imported candle is looked upon as a curiosity. The commoner kinds of earthenware are likewise manufactured, and as the clay, and all other necessary materials, are to be had of excellent quality, and in abundance, there can be no reason why crockery ware should continue to be imported. The sand of the neighbourhood of Hobarton has been shipped to England, for the purpose of making glass, and yet no one has ever attempted to start a glass manufactory; as the colonists advance in prosperity, no doubt these articles will not only be made for home use, but also for exportation. The bones of animals formerly were complete nuisances in the streets, go where you would, heaps of horns and bones were to be seen; crushing machines have

been introduced, so that what with the exportation of those articles, and the supply required for the machines, the collecting of them, has become a regular business*.

Manufactories that require considerable capital have not yet been thought of; who would employ their wealth in factories, and their time and energies in the superintending of workmen, when their money, if let out at usury, would be growing whilst they slept; or who would enter upon trades when wool offered prospects so much more favourable; but money jobbing, for a time, at all events, is at an end, and the wool growers are little more than overseers to the land owners who reside in England and India.

In New South Wales, woollen goods of coarse qualities, have been made for very many years, and yet in Van Diemen's Land nothing of the kind has been attempted. There is every prospect of success should any enterprising individuals take out the requisite machinery. Wool can be obtained cheaper than it can be procured in England—double freight would be saved, first for it in its raw, and soon afterwards in its worked state. There is no doubt but that some of the inhabitants would long since have gladly commenced the manufacture of blankets and such like goods, but few individuals know how to go to work to procure the necessary machinery, and to obtain the proper description of workmen; these are entirely out of the way of farmers and dealers, and the superintendence requires persons accustomed to the business; the blankets

* At the whaling stations in the bays on the beach are the bones of the whales that have been killed, if they could be applied to any purpose, very many cargoes of them might be had at each of the several stations. This probably might afford a profitable speculation, as there would be no expense incurred, except in loading the vessels with them.

and slop-clothing used in the colony, would keep any good-sized factory in constant work, and if the maker could sell at moderate prices, as he ought to do, when all things are taken into consideration, he would soon be enabled to shut out the foreign importations of all such articles.

Among other manufactures, perhaps the most profitable that could possibly be pointed out, would be that of paper. In the Australasian colonies there are no rag merchants or collectors. The old slop-clothing accumulated at the Government stations is, at certain periods, burnt, in order to get rid of it—assigned servants cast their worn-off apparel on the dung-hills, and linen and cotton rags meet with somewhat similar treatment. If rags were valuable, they would not only be collected in Van Diemen's Land, but in the neighbouring colonies. In Van Diemen's Land are numerous streams of water, well suited for paper mills, and the demand for printing paper in that colony, and in the adjacent settlements, is very considerable—there is also an extraordinary consumption of the finer qualities. Under all circumstances, not an ounce of the article ought to be imported—and yet, strange as it may appear, there is not a mill of the kind in all the Australasian colonies; and it is said, there is not a British paper manufactory south of the equator. The climate of Van Diemen's Land is particularly suited for the purpose, and there is scarcely a limit to be placed on the increasing demand. If the manufacturer could undersell the English, which he certainly ought to do, he would be required to supply all India, the western Americas, the whole of the Australasian settlements, and the islands of the Pacific. It is surprising that paper-making has not been attempted, but then it is not everybody who can manage the business. It requires not only local experience, but also a knowledge of the art, to be

combined, either in the same person, or else among partners interested in the undertaking.

Van Diemen's Land has abundance of coal—there are the Government coal mines, or pits, at Port Arthur, worked by the convicts, and thence the inhabitants of Hobarton are supplied. The coal is of an inferior quality, and burns with a strong sulphurous heat, but it has the advantage of wasting little—a fire well made up in a grate will keep alight during the whole day, and it is usual to bank up the embers when the inmates of the house retire to rest, in order that a fire may be found ready for the kettle, when they rise in the morning. One very disagreeable effect of the Port Arthur coal is in the cracking—placing fresh coal on a good fire causes an explosion like the opening of a small battery, and shells and shots are fired to all parts of the room. There is now, or rather was, a coal company formed to work the seams at South Port; these are represented as being of great thickness, and the coal of a superior kind. The Government, two years since, sanctioned the working of coal on the Schoutens, where it is to be found of excellent quality, and in very large quantities; the intention was to use it for the purpose of smelting the Adelaide copper ore. A company was allowed to excavate, on condition that two pence per ton should be paid as a crown *droit*. At Jerusalem, and at Richmond, coal pits have been opened, but have not been worked, for want of capital. The local authorities have preferred keeping the Port Arthur mines in active operation, and in fact have not in any way assisted, but rather, on the contrary, have impeded the progress of working the coal seams at these places. Should, however, capitalists be found to enter into the speculation, and carry out a coal company with spirit, the present miserable Port Arthur coals would no longer be in demand.

The same cause—that is, the want of capital, that has prevented the opening of the coal-pits, has deterred persons from turning their attention to the minerals, with which the island is said to abound. Iron is to be found in vast quantities, in very many places. Excellent copper ore is said to have been discovered in an island on the Tamar, and samples have been produced from various other parts; and silver, it is also asserted, is found in quantities near the city of Hobart. Since the South Australian mines have turned out so favourably, and the Californian fever has become so prevalent, people in the colonies are induced to fancy that every hill must contain metal of some kind or other; and for aught any one can tell to the contrary, the whole centre nucleus of the globe may be wrought silver, and the fluidical centre of molten gold! A company has been formed in Van Diemen's Land to smelt the Adelaide copper, the coals to be obtained from the Schoutens. In order to carry out the enterprise, very considerable expense has been incurred at Kangaroo Point, a village opposite Hobarton, on the Derwent. Smelting works and the necessary buildings have there been erected, but owing to the failure of one of the parties interested, the whole concern has lately been sold: the purchaser, however, will no doubt employ them for the purpose intended. The managers of the company reckoned that it would be more advisable to carry the copper ore to the coals, than the coals to the copper ore; and that wool traders could then receive the pure metal as ballast.

CHAPTER XI.

THE PUBLIC DEPARTMENTS AND THE INUTILITY OF SOME OF THEM—
THE EXPENSE OF THE LOCAL GOVERNMENT COMPARED WITH THAT
OF SOUTH AUSTRALIA—THE INIQUITIES OF THE LAW—EQUITY
SIDE—CIVIL PROCEEDINGS.

THE present Governor of Van Diemen's Land, Sir William Denison, in his despatch to the secretary of state, dated the 4th of December, 1847, says, that the officers of the colonial government are in no sense identified with the convict system, "the amount of work transacted in every office, except perhaps that of the colonial secretary's, would not be diminished, if every convict were to be removed to-morrow." Such assertions might formerly have served very well, as dust to be thrown in the eyes of the home authorities: but statements like these will no longer be allowed to pass, without notice being taken of them by those persons who really have the interest of the colony at heart—it is to be regretted that Sir William Denison should have laid himself open to an accusation of having deliberately written that which is not perfectly accurate, more especially when it is so easy for any one to refute him. When this despatch was penned, His Excellency had been nearly twelve months in the island, and therefore inexperience cannot be pleaded, besides, if he were not master of the subject, he should not have made the assertions.

The Colonial Secretary is a home-appointed officer, receiving twelve hundred a year directly, and a very considerable sum indirectly, from the colonists. The Governor admits that his department has something to do with convict discipline ; the truth is, that almost the whole duties of the office consist in the arrangement of matters connected with prison discipline ; and the secretary has clerks to assist him, whose united salaries amount to about the same sum that he himself receives ; added to which, there is a colonial agent in London, who obtains one half of his salary from the colonial funds ; the services rendered by this latter gentleman were never clearly understood, nor is he ever heard of, excepting when the estimates are discussed. The duties of the secretary, so far as the free inhabitants are in question, may be explained in very few words : they consist, principally, in preparing the estimates, and in forwarding the monthly salary abstracts to the Governor, for his signature ; and when the legislative council assembles, he occasionally considers it a part of his vocation, to thwart the wishes and the interests of the people. There certainly seems to be a strange perverseness in the disposition of the individual, who now claims so large a share of the colonial revenue—his chief endeavour appearing to be, to support the importance of his office, and to keep up the dignity of his person. It is with the secretary that all communications with the Governor must be carried on : and the Home Authorities will not receive petitions unless forwarded through the Governor. Should, therefore, an individual endeavour to obtain redress from England, it is not very probable that the chief ruler, or the secretary, will endorse the petition with a recommendation to the Secretary of State—especially, if, in the document, their own conduct is censured. If complaint be made respecting any

Government officer, it is not likely to meet with their approval, because, if there has been injustice inflicted, they themselves should have seen that redress was granted to the injured. The official documents forwarded from the colony, the secretary naturally relies upon, for he can be guided by no others—he can have no better source of obtaining information. Frequently, however, in the despatches of former times, some of the colonists had their characters so blackened, that it is no wonder that the home authorities threw aside petitions wherein their names appeared: this secret and dastardly manner of using “official blacking” has ruined many, and most assuredly was the cause of the death of the unfortunate Sir Eardley Wilmot. On some occasions, when members of the House of Commons have drawn the attention of Her Majesty’s Government, to certain grievances complained of by individuals in the colony, the Secretary of State, for the time being, has silenced all discussion, by asserting that which was at direct variance with the truth; but, in so doing, the minister was not to be censured, he depended upon the information he received from the local authorities, and he could do no more; it was not in his power to know whether the information he received was grounded on facts or falsehoods. (See Appendix, I.)

The Colonial Treasurer, and the whole of his department, are perfectly unnecessary, and the expenditure occasions a total waste of money. The Treasurer receives £.800 per annum; he has nothing whatever to do with the commissariat disbursements, and all the colonial funds are paid into the local banks. The office is an intermediate clog between the auditor who takes care the accounts are correct, and the banker whose interest it is to pay the cash correctly, when the orders are properly signed.

During the time when there were not any banks in the colony, a Treasurer was absolutely necessary ; but several of those holding the situation having made too free with the public money, the Government in later times adopted the wiser precaution of depositing the colonial revenue in the local banking establishments, where every shareholder is in point of law responsible for its safe custody. This department has hitherto afforded means of patronage, and it was consequently considered advisable, in the opinion of several, that it should be continued, more particularly so as the salaries were paid by the colonists. The Treasury has nothing to do with matters relating to convict discipline, but its chief officer is one of the Convict or Executive Council.

The most expensive department, excepting the police, is the judicial ; unfortunately for Sir Wm. Denison, his own official returns prove that out of every twenty prisoners that come before the courts for trial, nineteen are Crown prisoners, so that nineteen-twentieths of the duties of the judges in the criminal courts—nineteen-twentieths of the work of quarter sessions—nineteen-twentieths of the duties of the sheriff, and nineteen-twentieths of the police, all relate to convictism. The following remarks were made by Mr. Gregson, at the public meeting referred to at page 122 :—

" Now, gentlemen, I need not tell you the Governor is wrong. Every man in the colony must and does know that the very reverse of his statement is the fact. Let us take the chief justice—he is a colonial officer and a member of council ; the puisne judge is a colonial officer ; the business of the colony is small, and the principal duty of the judges is to preside in the criminal court. In the court, the ordinary proportion of convicts who are tried, is twenty to one free man. The attorney-general has to read all the depositions and to find all the bills, and to dispose of a number of other convicts

summarily. In fact, his time is almost wholly occupied in the prosecution of convicts. The solicitor-general owes his office to the convict system. The crown-solicitor, who is also clerk of the peace, has much of his time occupied with the trial of convicts, and correspondence with magistrates upon convict questions. The chairman of quarter sessions, all the police magistrates, and, as you are all aware, every department is more or less engaged in convict matters; and, surely, the report of the committee on convict expenditure affords sufficient evidence of the fact. That document is matter of record. His excellency has it in his council books. In the report it is stated that every department is more or less occupied on matters connected with the control and management of the convict population. Now, I call upon you, gentlemen to contrast the Governor's statement to Earl Grey with the facts within your own knowledge."

The survey department, with its home appointed officers, is not so much connected with the convict discipline as most of the others, but its establishment, on its present footing, is unnecessary. What can be the use of having an expensive staff of surveyors, when there are regular "contract surveyors appointed for the survey of locations and lands for sale," and the fees or payment for which are expressly defined by the Government notice, 28th February, 1846. If the persons who perform the work are paid for their labour, what is the necessity of having a Surveyor-General, with a salary of £.800 per annum, and two assistants with £.500 each, and a deputy with £.400, besides a whole troop of clerks? With the exception of the report made by Major Cotton, the deputy-surveyor, of lands lately discovered by him to the westward of the settled districts, nothing useful for some years past has been accomplished by the department, excepting the laying out on paper, and marking out on the ground, two or three little villages in the interior.

Perhaps the most vexatious department with which the

colonists are troubled, is that of the Post Office. Every one in the island feels more or less interested in the way in which the duties are there performed. The whole routine is conducted in the most niggardly manner, and gives anything but satisfaction. There is but one rate of postage—fourpence is charged for every ship-letter, *received and sent*, and fourpence is paid for letters to George Town, 140 miles distant from the city, and the same sum for those to Brown's River, which is only six. The rate chargeable for George Town is too high, what then must be said of that demanded for letters that arrive in the ports. The penny postage ought to have been long since established; the colonists should not be compelled to pay fourpence for letters on arrival, which letters have previously been charged eightpence in England. The salary of the Postmaster-General is just one farthing for every private letter that goes through the office. All Government despatches and all the voluminous correspondence that is carried on among those engaged in convict discipline, pass post free*, and nineteen-twentieths of the contents of every letter-bag relate to convictism, and yet the colonists are called upon to pay by far the greater portion of the expense of the department: and if the revenue derived from the circulation of letters be insufficient, the general revenue of the colony is drained for the purpose.

The following is a list of the salaries given to the leading Government officers in the free colony of South Australia,

* The local Government has contrived to make the Home Treasury defray a portion of the Post Office expenditure, the commissariat being charged £.1500 per annum for the privilege of receiving and franking letters addressed to the military commissariat, ordnance, and convict departments.

and those paid by the free people in the penal settlement of Van Diemen's Land.

	Free Colony of South Australia.	Penal settlement of Van Diemen's Land.
Colonial Secretary . . .	£.700	£.1200
Judge	1000	1500
Puisne Judge	none	1200
Master of the Supreme Court	300	400
Attorney-General	500	950
Solicitor-General	none	650
Crown Solicitor	300	300
Registrar	none	600
Sheriff	400	800
Colonial Treasurer—Collec- tor of Internal Revenue .	250	800
Accountant General of South Australia is also Treasurer —in Van Diemen's Land he is called Auditor . .	none	600
Postmaster-General . . .	350	450
Judicial Expenditure, includ- ing the police	6616	45,000*
Religion and education . .	3734	10,000†

It will now be advisable to explain the manner in which the laws of England have been, and still are being, enforced; and to point out a few of the injuries suffered by individuals entirely owing to the appointment of inefficient and irresponsible officers. It would be needless to refer to the old grievances now that the new charter will enable the

* The Commissariat has in latter years paid over to the Colonial revenue £.26,000 per annum, on account of judicial expenditure and police.

† This is the amount fixed by the new charter.

colonists to rid themselves of many evils ; but the laws of England are, for the future, to be enforced, and the Home Government will, of course, reserve the right of nominating the officers, who are to be entrusted with the administration of justice. Under these circumstances, the same vexatious proceedings are likely to be continued, unless greater attention be paid in the nomination of properly qualified individuals. Appealing from the decisions of the Court of Van Diemen's Land to the home authorities, (and there is no other method that can be adopted) is a very expensive procedure ; the delays occasioned are frequently even more ruinous, and, in most cases, it is entirely out of the power of the injured party to attempt seeking redress from the judgments, however unjust they may be.

According to 9 Geo. IV., cap. 88 (1828), usually denominated the Huskisson Act, all laws in force at the time of its passing were adopted as those of the island ; so that, on the introduction of any more merciful statutes in the mother country, it was necessary to carry through the legislative council a matter-of-form act, to bring the new laws into operation. Delays frequently occurred in so doing—sometimes it was considered, by those whose duty it was to lay them before the council, that they were not applicable to the colony, and therefore on their so deciding, the statutes remained dead letters so far as the colonial constitution was concerned. The legal forms, likewise, that were established in Great Britain, at the time of the passing of the Huskisson charter, became the customary forms of the courts ; and these have, in a great measure, continued to this day. It is, therefore, not to be wondered that justice in England, and justice in Van Diemen's Land, should be so very different.

Grand Juries have not been established in the colony,

and the power vested in them has, to this day, been permitted to remain in the person of the Attorney-General. It may possibly be desirable to abolish this description of juries in Great Britain, but in the settlements they are more especially required. The Attorney-General—indeed all the law officers of the Crown, excepting the two judges, are permitted to accept private practice. This is unquestionably wrong. Suppose one of those persons who fees the Attorney-General with a general retainer—and a very great number of colonists do so retain him—supposing one of those, who is thus constantly increasing his income, has been charged with an assault, probably originating out of some trial in the supreme court, wherein party politics may have run high, and the Attorney-General himself as much interested as any other individual in the quarrel. Imagine, then, this client of the Attorney-General to be charged with an assault, and that a magistrate has committed the offender to take his trial—all the depositions are forwarded to the Attorney-General, as Grand Jury: and it remains entirely with him to determine whether his client, and friend, shall be brought to trial,—surely this is placing the law officer of the Crown in an awkward position. To gratify his personal feelings, that officer might at once find a true bill against his own adversary, or those adverse to his clients, whereas he might ignore the bill when his friends become the accused. In Van Diemen's Land it would be far more expedient, in the first instance, to have the bill thrown out by jurors, the peers of the accused; or, on their finding guilt, leave the lawyers to decide whether the offence has been committed according to law, and in what manner it ought to be punished, agreeably to the laws. The character of the individual charged would be cleared at once under such a plan, if

a verdict of not guilty were found by the Grand Jury : whereas the mere fact of one person, the Attorney-General, finding the bill, and the accused being placed on his trial before the criminal court of a penal settlement, virtually damns the character of the individual. Let the decision of the jury release the accused—let the judge tell him, as it sometimes happens, that he leaves the court without disgrace, still there is the fact, that, for some cause or other, the person has been tried : and ill-natured people will naturally construe the verdict of " not guilty," as an acquittal, owing to the technicalities of the law.

The mere name of the Supreme Court is terrific, in the opinion of very many of the colonists ; to be threatened with an action, let the merits of the case be what they may, naturally brings to recollection the ruinous proceedings that others have suffered under : and, however unjust a claim may be of the party threatening, many prefer to comply with the demand, rather than risk legal proceedings. A man can tell what the first loss may be, but he cannot form an opinion as to the result of the law. Proof is, at all times, far better than mere assertion.

On the equity side, not a single contested cause has been decided *by the judges* since the court was first established, in 1828. The funds belonging to several estates have been seized by the officers of the court, but how to get them out of their possession, has yet to be discovered. Equity suits are carried on, year after year—the same names occupying the lists, term after term, till they become finally by-words for jokes. *Birch v. Birch*.—This commenced in a friendly suit. Large properties were left, under testament, to the relict and children ; it was, for some reasons, considered advisable, that, in order to prevent future litigation, the appropriations should be made under

an order of the court : it was intended to be a mere matter of form application. The suit originated about fifteen years back, and in term and out of term, in chambers and out of chambers, have there been motions for hearing, re-hearing, taxing, &c.—motions of all kinds, except the final decision required by the unfortunate suitors. First, one attorney has been employed, and he not giving satisfaction, because he could not bring the suit to a termination, another has been appointed to undo what the former did. The attorneys say the counsel cannot be driven to understand the merits : and the counsel declare the attorneys to be a parcel of ignorants. The delays of the judges are disgraceful ; and barristers and attorneys assert, and none of the colonists are willing to doubt them, that the judges know nothing whatever about equity proceedings. Bills of costs, folio upon folio, in number of words and in bulk also, have been taxed by the master, and although the claimants cannot obtain their money, the lawyers can always, somehow or other, contrive to get orders for the payment of their costs. One-half the suitors in this friendly cause have become insolvent, and the whole family are set at loggerheads. Thousands and thousands of pounds have been squandered in useless vexatious proceedings, and the properties, entirely owing to the equity suit, reduced to nearly one-half of their original value.

On the civil side, "*Tetley v. Sherwin.*" Plaintiff, a merchant, gave instructions to the agent of an insurance company, at Launceston, to insure a vessel in one of the Hobarton companies, for which the agent was an accredited party. In due course, instructions were forwarded by post, and the policy sent to the agent, to be handed to the insurer. Before the merchant called for the same, the mail arrived, bringing the intelligence that the vessel in ques-

tion was lost. The agent reported the circumstance to his employers, and waited instructions. The delivery of the policy was refused. Tetley brought his action, and the defendants pleaded all manner of excuses. The trial came on—it may be almost said the “trial stakes came off”; it was a matter of custom rather than law, and a jury of traders and merchants were best able to form a righteous judgment, and they returned a verdict for the plaintiff; and according to the custom, the latter expected payment at the commencement of the ensuing term. During the following sittings in banco, a new trial was moved for by the counsel for the defendants, on the ground that the jury had given a verdict contrary to the directions of the judge. His honour, who presided on the trial, was of the same opinion; so he decided, and urged his colleague to grant another hearing, which was accordingly obtained. Tetley, having lost his vessel, and having been disappointed of the money he expected to receive from the insurance company, his affairs became embarrassed; nevertheless, he contrived to carry the cause into court, and a second time the verdict was given in his favour. One would have thought that two trials would have sufficed, but such was not the case. The defendant's counsel moved for a third, and obtained the order; now the plaintiff having expended all his assets in law, became insolvent, and his assignee continued the proceedings in his name. A special jury gave a third verdict for the plaintiff. The company still determined on opposition, and a motion was made to have another hearing: it was by the lawyers asserted, that the jurors of the county of Buckingham were prejudiced or prejudged in the cause, it was therefore moved that the trial might be set down for hearing on the Launceston side of the island, The fourth trial came off at that place, and the unpreju-

diced jurors of Cornwall returned a verdict for the plaintiff. About this time the affairs of the nominal defendant, entirely owing to these proceedings, became involved, and he was declared insolvent. The counsel yet tried again for another hearing, and the court allowed a fifth trial, at Oatlands, a township in the centre of the island. The verdict there returned was the same as all those previously given. There then remained another chance, an appeal to the judicial council in England. Their honours granted the appeal, and the home judges ultimately confirmed the verdicts that had been given in the colony. It is scarcely necessary to observe, that many thousands of pounds were incurred in costs. Long before the case was ended, the injured plaintiff had not only been ruined, but was dead ; and the defendant also, was ruined, and had left the island. The company (it is but justice to add, on account of other highly respectable establishments), was the Van Diemen's Land Insurance. Just about the time that the trials of Tetley and Sherwin terminated, one of the judges was willing to appear as if opposed to grant fresh hearings, so as to disturb the decisions of former juries. A *second* trial, at the suit of Richardson v. Armytage, came on for hearing, and the jury were about to retire, to consider their verdict, when, as there were special pleas, the judge took considerable pains to explain the manner in which damages, if found, were required to be laid on each count. After the verdict was returned, the judge himself interlined the return on the record, and he did so, as he said, in order to prevent further litigation. During the following sittings in banco, a new trial was moved for, and the very judge who had taken such precaution to have the verdict properly recorded, having himself, on the bench, at the time it was given, asserted that he perfectly concurred in the decision ; the very judge that interlined the verdict, was the first to

grant a third trial, and with considerable difficulty persuaded his colleague to agree with him, and give his consent—and a third hearing was given, and the verdict again was in favour of the plaintiff.

Does the reader require other proofs, that a change of men is absolutely necessary—*Jackson v. Lord*, and *Lord v. Jackson*. These complicated suits arose from the circumstance of the home appointed Crown Solicitor not being able, or not choosing to pay his rent due to his landlord, Jackson. There had been, many years previous, a claim made to the property by Lord, and this the Crown Solicitor, Hugh Ross, contrived to stir up afresh: he set the wheel in motion, pocketed large sums of money, in the shape of costs, then obtained possession of considerable funds belonging to private individuals, and to the Government, and absconded from the colony. He was brought back, by a warrant, and placed on his trial for embezzlement. The Judge was his most intimate friend, and so was the attorney-general. There were many direct cases of fraud which could have been easily substantiated, but he was, by the grand jury, that is, by his friend, the attorney-general, placed before the court on two charges of very doubtful proof; he was, consequently, acquitted, as everybody had anticipated, and he left the colony for New Zealand, where he practised his profession. Comments having been made by the Crown prosecutor, Brewer, as to Ross's conduct during his residence in Van Diemen's Land, Ross challenged Brewer, and shot him dead: the man, Ross, is still practising, so that it is quite clear that no lawyer need be afraid of being debarred in some of the Australasian settlements, be his conduct what it may; for justly has it been remarked, that no lawyer can, in those colonies, be considered out of the pale of society until he is hanged. But to Lord and Jackson, term after term were these double

trials set down for hearing; the lawyers reaped a golden harvest—Jackson and his partners were imprisoned for contempt of court, in having published certain strictures on the judges, who decided they were libels on themselves; in fact, the whole proceedings were most disgraceful. The right to the property is not settled; the possession of the land is with those who formerly held it, or rather, it is in the custody of their representatives, for Jackson and all his partners are dead, and so is their opponent, Lord; and yet the law of the case remains undecided before the court. To continue, to enumerate all the cases wherein the colonists have been ruined by the law, as enforced in Van Diemen's Land, would be very much like drawing out a list of killed and wounded, after a very serious battle.

Whilst speaking of the proceedings of the judicial departments, it might be expected by the colonial reader, that some notice should be taken of the courts of requests, showing their perfect inutility, as they are at present constituted; but to do so, would be needless, because they are authorised by acts of the Legislative Council, and therefore can be remodelled at pleasure; such, however, is not the case, as regards the administration of the laws of England. It may just be observed, that the court of requests, or court of conscience, for Hobarton, costs the inhabitants two thousand per annum; about five hundred cases are tried in the course of the year, so that four pounds of the public money is expended for each trial; and as to what the poor defendants have to pay, heaven pity them, for this court of conscience has no mercy for them.

Connected with the office of Attorney-General, there is another power, which is of very considerable importance, and which never ought, in such colonies as New South Wales and Van Diemen's Land, to have been entrusted to any one individual. There are very many cases in which

the rights of the Crown are antagonistical to those of private individuals. Thus the Crown has given land, resumed it, perhaps improperly so, and passed the grant to the last locatee, in some instances committing unintentional, but, nevertheless, errors, very serious in their consequences. In order to set aside a deed of grant ceded by the Crown, it is necessary that a *scire facias* should issue, and the merits come fairly before a jury—two instances deserve mentioning, one wherein a writ of *scire facias* was refused, and another wherein it was granted. The reader, on perusing the cases, will be enabled to decide whether or not, under all circumstances, the power to grant or refuse the writs, should continue to be vested in the Attorney-General. A Government overseer, named Turnbull, was possessed of an allotment of land in a township, which he sold to an officer of the 63rd regiment. Messrs. B. & Co., attornies, were employed to draw out the deeds, and prepare the necessary registration. One-fourth of the payment was in cash, the residue was to be paid by three separate bills of exchange—the acceptances were given, possession handed over, and the agreement registered in the Supreme Court by B. & Co. Soon afterwards, and before the bills became due, the officer died, his executor administered, and sold by auction the dwelling and the adjoining grounds, including the allotment in question. M—— purchased the whole estate, and paid the amount of the purchase. T—— would not receive the sum due to him on the land from M——; but through his attornies B. & Co. claimed the amount of the three bills from the representatives of the deceased officer, and he ultimately received payment for them, and gave receipts in full discharge of his claim—leaving M—— and the representatives of the officer to arrange about the claim then due to them by M——. Prior to obtaining the money, the attornies,

B. & Co. had applied to the caveat board for a grant, this was done in the first instance to give the purchaser M—— a valid title. After the receipt in full had been given, B. & Co., unknown to M—— and his legal adviser, secretly renewed the claim for the grant—in the second application, no mention was made of any payment being made on completing the purchase, nor that the deed of sale had been registered, nor that any receipt and release had been given by them for the land in question. There being no caveat entered, the grant issued to the applicant. T——, however, no sooner possessed the parchment, than taking advantage of a dark night, he went and broke down the fences of M—— and moved on to the premises, a small wooden building, and placed *armed convicts* in the charge of the ground. The owner and possessor of the soil, M——, brought an action of trespass, but it was ruled, that the ground could not be the property of any individual, till ceded by the Crown, and that the cession did not take place till the Crown issued the grant : therefore M—— was, in point of law, the trespasser. M—— tried another plan ; on the land, when seized, was a crop of potatoes, &c., he therefore sued for their value, but he was met by the same parity of reasoning—he was a trespasser and his potatoes ought not to have been there. Under these circumstances, he applied to the Governor for a writ of *scire facias*, he did so on the ground that the Crown had in error given away his land, and, therefore, should place him in a position to recover it back by taking the merits before a jury. The Governor, on application being made, is of course entirely guided by the law adviser—the Attorney-General. Messrs. B. & Co. were, among other things, money agents—the *then* Attorney-General was a needy man—and if the writ had been granted on the trial, fraud, or the concealment of the truth from the commissioners,

must have become apparent. At the recommendation of the Attorney-General, the *scire facias* was refused. The other case is this—these same attornies, B. & Co. were employed by a client named Pillinger, to procure a grant; another party, Walker, opposed the claim; but B. & Co. were successful for their employer; and the grant was issued. Walker died, and about two years afterwards one of the partners of the firm of B. & Co. married his heiress, this put quite a different colour upon the face of affairs. Then Messrs. B. & Co. discovered that their client, Pillinger, ought not to have had the grant issued to him, so these worthy gentlemen applied for a *scire facias* to cancel the grant, and the writ was issued without a moment's hesitation on the part of the Attorney-General—the cause came on for trial, and the jury confirmed the original issuing of the grant to Pillinger. This was as it ought to have been, but the Crown never pays costs; and in cases of this kind, it is the duty of the law officers to obtain security, so that in the event of failure, the defendants may not be worsted by the non-payment of his expenses—in this instance the necessary securities were not taken, so that, although Pillinger justly obtained a confirmation of his right to the land, he had to pay his own costs, which, by means of vexatious proceedings on the part of B. & Co., had been run up so as to amount to double the value of the land in dispute.

The colonial reader may also, perhaps, consider that mention should be made of the caveat board or land court: and also that some comments should be offered respecting the insolvent courts; but these, like the courts of requests, are of local formation, and are empowered to work under colonial enactments,—with these courts, therefore, for the future, the colonists can do what they please, they can either remodel them, or do away with them altogether.

CHAPTER XII.

ENGLISH APPEARANCE ON ARRIVAL—SOCIETY—PEOPLE PROVERBIAL-
LY CHARITABLE—RESPECTABILITY OF THE FREED POPULATION—
THE POOR—VETERANS—CITY COUNCIL—FREE PRESS—PRODUC-
TIONS—CATTLE—KANGAROO HUNTING, &c.—HORSE RACING—
FESTIVALS—REGATTA.

WHEN an Englishman arrives at any foreign port, he is surprised to find things so different from what he has been accustomed to—the appearance of the towns is nothing like what he has seen at home, and the manners of the people altogether strange—but when an Englishman arrives at any of the Australasian settlements, almost everything bears much the same appearance as in the mother country. The people speak the same language, wear the same kinds of clothing, and their dwellings are just like those he has been in the habit of seeing at home. He may almost fancy himself in one of the towns of Great Britain. On landing at Hobarton, a stranger would never for a moment imagine that he had arrived at a penal settlement, nor would he have cause to alter his opinion until, perhaps, a body of some hundreds of convicts in chains happened to come in sight,—then does he become convinced that he has indeed arrived at a gaol. Were the convicts removed, there would be no longer this terrible proof that so large a portion of the inhabitants are convicted felons.

To describe the nature of society in Van Diemen's Land is somewhat difficult, and would be anything but gratifying to some parties were the truth, and the whole truth, to be told. The original stock of the population, or at least a great number of them, consisted of men who left their country for their own or their country's benefit, either as free or bond. The emigrants of more modern times consisted of persons of respectability, in point of character, who sought refuge in the colony under the expectation of bettering their conditions. There are, at present, no distinctions made in society, otherwise than such as are allowed elsewhere, between the rich and the poor. It is true some of the leading Government officers unite with a few of the more wealthy colonists, and lay claim to a little exclusiveness, but the majority of the people only laugh at their idle pretensions to aristocracy. The principal Government officers, as it has already been explained, are chiefly of home appointment: and having hitherto been in nowise dependent on the inhabitants for the offices they, so fortunately for themselves, possess, are too apt to forget from what source their salaries are derived. These persons do not bear in mind that the situations they hold, are not so retained by them in consequence of their own merits, but simply because their friends in England have had interest in certain quarters. Some of those holding their heads high, have risen from strange beginnings, and others may attribute their present standing to the mere circumstance that they have been employed as instruments by the chief rulers: and consequently, generally speaking, have made themselves obnoxious to the people whose interests they thwarted. (See Appendix, K.)

The military in Van Diemen's Land are just the same as the military in other colonies. The officers will visit all

persons that give good "feeds," and keep up respectable appearances, nor do they stay to inquire of what profession their hosts formerly were. The soldiers are on friendly terms with the commonalty of the people, and there are, at present, none of those bickerings and squabbings that were formerly so prevalent between the red coats and the blue-shirt whalers. Years back these disputes ran high, and regular pitched battles occurred, in which death was sometimes consequent.

Much to the credit of the free population, there is no desire on their part to admit any marked distinction between themselves and the freed ; and it is gratifying to observe, that the children of both classes are educated together, and growing up on terms of intimacy, intermarry, by this means stifling any possibility of an outbreak. The people generally are anxious to be on good terms with each other, and now that they have the means of checking the overbearing conduct of some of their Government officers, it may be expected that Hobarton will, in future years, become a place of sociability. A more charitable population does not exist. If a distressing case be pointed out, and pecuniary assistance be required for relief, no one ever thinks of sending an applicant away empty-handed. What with direct charities for supporting the various public institutions, and the subscriptions raised for deserving individuals, the colonists certainly give ten times more in alms, proportionately to the population, than do the inhabitants of London.

The English, when they hear of a convict, at once imagine a terrific kind of being, a monster in human form, forgetting that, a short time previously, the monster was but one of themselves, and that the mere voyage to the colony is not likely altogether to change the nature of the

offender. The freed, therefore, are supposed to be a very degraded set of persons, vulgar in their habits and dishonest in their principles, yet frequently the reverse is the case. Prisoners being of all classes, there are, consequently, among the freed, well educated, well conducted, and most respectable persons. True, some of the lowest grade have become wealthy, and in their habits are not very refined ; but then again, how many free emigrant house and farming servants, mere clod-hoppers, have become gentlemen in point of wealth and standing in society. As regards the conduct of the free and the freed, in relation to their equality of standing, the latter are, generally speaking, more peaceable citizens than the former—they are assuredly more honourable in their money transactions. They have served a probation which has taught them the value of good character, and their chief aim, on all occasions, is to increase their respectability by reputable conduct. It is much safer to trust to the word of honour of an emancipist than to the bond of a free man—the former will not risk his reputation by breaking his engagement, whereas the free man will take every advantage the law will allow*.

* Wealth covers a multitude of sins. What would be thought of the following conduct of a gentleman in England ? The story is well known in the colony, although it is not advisable to mention any names. One of the first free settlers still living — one of those coming under the sweeping censure of Macquarie, already quoted, is a certain usurer, who arrived in the colony, having left Scotland without bidding adieu to any of his numerous mercantile friends ; by dint of money traffic, and petty pecuniary savings, he became a wealthy usurer. He was intimately connected in money matters with a certain usurious lawyer, and, to use a common expression, the two always rowed together in the same boat. The lawyer had a youth sent out to him from England, and he was employed as a confidential clerk, and managing man of business. One morning the attorney in

The rising generation is a very superior race—the males are remarkably tall, well made, strong, and intelligent; the females are handsome and interesting. In the warmer climate of New South Wales, the age of adolescence is twent

settling some money accounts with the *gentleman* from Scotland, received from him two £.5 notes, on account of one particular client, these he fancied he placed in his pocket book, and after transacting other business, he returned to his own office, and, placing his papers on his desk, left on some other business. On re-entering, when arranging his papers, he discovered, as he supposed, the loss of the notes; no one, excepting the youth from England, had admittance into the *sanctum, sed non sanctorum*, he accused him, therefore, of having purloined the money; the youth, naturally indignant at such an accusation, fired at the charge: angry words ensued, and the lad was dismissed with loss of character, and thrown destitute upon the world; without means, and without chance of employment, he sunk to the lowest grade, and terminated his life in a penal settlement. Years afterwards, the lawyer was settling accounts with the same usurer, and he received two £.10 notes, and as he laid them on the papers to which they related, the thought came suddenly across his mind, that he was putting them on the very same spot that, years previously, he had placed the two fives. In the hurry of business, he forgot them, nor did he discover his omission, until he arrived at his office, when he immediately returned, and found the papers as he had left them, but the two £.10 notes were missing: the usurer declared he had not *seen* them, and that the lawyer must have taken them with him. The latter, satisfied that he had done nothing of the kind, grew angry, and he finally charged the monied man with purloining them, and, seizing him by the collar, rummaged his pockets, and brought forth the two identical notes. It was the interest of both parties to hush up the matter, but it became public. There could remain no doubt as to the innocence of the young man. Some may say, why rip up such transactions, that by-gone should be by-gone; but may the fate of the poor lad be mentioned, and yet not revert to the guilt of the man who was the occasion of his destruction, merely because the real offender is supposed, by some people, now to be exceeding wealthy!


for the males, and fourteen or fifteen for the females ; after that period no improvement in the person takes place. There can be no doubt that youth grows into manhood much sooner than in Europe, it is very doubtful whether in New South Wales, debility of age creeps on at an earlier period of life, or at a more rapid pace than it does in England. There are many reasons which it is unnecessary here to explain, that caused the first generation of New South Wales to be of premature growth and unhealthy constitutions ; but it is not the case with that now rising. As to the native-born of Van Diemen's Land, it can scarcely be estimated at what age decay of nature may be expected, there being very few colonial born exceeding twenty-five years ; yet by what may be judged from those few that exceed that age, there is no reason to believe the average of life will be of less duration than it is in England, but rather the contrary. The climate is unquestionably exceedingly healthy, and there are "old hands" yet alive that came to the island on its first settlement in 1803, and who had been residents at Norfolk Island.

To say there are no poor in Van Diemen's Land, would be asserting more than the truth—poor will be found in all communities, but in Van Diemen's Land there are none that can and will work, who are destitute ; none that are wanting a covering or food. The Government provides for all the aged and infirm convicts, and the colonists will not allow the deserving free to want. With the exception of a few blind men, there are no beggars in Hobarton or Launceston : and in the towns in the interior, begging could not be carried on. The colonists have asserted that pauperism was rapidly on the increase, and that there are numerous ticket of leave men and pass holders prowling about the country, endeavouring to obtain employment, and

this they urge as one reason against the continuation of the penal system. There may be, among the Government hands, or rather among those men that have just received their indulgences, a difficulty in obtaining work ; but if so, it is merely because such men have, during their probation, been instructed in no other knowledge than that of breaking stones, and who are, consequently, unfit for anything else. Sir William Denison, in order to refute the assertion of the colonists, forwarded a circular to all the police magistrates, and these returned answers to the effect, that there were no beggars in their several districts. The colonists, discovering the movement of His Excellency, in order to meet " his officials," obtained documentary evidence from various respectable settlers in the interior, stating that there were numerous ticket of leave and pass holders constantly demanding work of them,—and these conflicting statements were all transmitted to the Secretary of State. In 1847, the charge made upon the colonial revenue for pauperism and for maintenance of children of free parents, was about £.7000 ; but, as this was a repayment to the commissariat, it must have been for the disbursements that had been made, but not charged for, some years previously, and which expenditure had been chiefly for the children of the free in the Queen's Orphan School. Whilst speaking of the poor, the shameful manner in which the commuted pensioners were treated, must not be passed in silence. These veterans were induced to forego their little annual pittances, on condition of being sent out to the colony, with the gift to each individual of one hundred acres of land : on arriving, they were too old to work, and so some of them disposed of their grants to obtain food. The authorities finding this to be the case, issued a notice, that transfers of such lands would not be sanctioned ; the consequence

was, that the veterans not having the means to cultivate, and not being allowed to sell, became mere objects of charity. Finding that it was a hard case to deprive men of the right of disposing of their own property, the order was rescinded. Certain officials, knowing that this regulation was about to be cancelled, set to work and purchased up these veterans' grants, so that when the order came out, legalising the sales, these poor fellows had, as they imagined, clandestinely disposed of their properties for a mere tithe of their value. Numbers of these men subsequently found means of obtaining entrance into the convict infirmaries, and several were placed in the New Norfolk Asylum. In the year 1846, orders from home were received to discharge all free men from the convict establishments, and the veterans were turned from the gates, without home, without food. One old man, almost blind with age, and so decrepit that he could scarcely walk, applied to the author for charity and advice; he had just been discharged from the asylum, and he knew not where to get food or shelter: he had served during the greater part of the Peninsula war, and had been wounded at Waterloo: he said, that he little thought to see the day when a British veteran would be dismissed from a Government hospital, merely because he had not been guilty of felony. Time has silenced their complaints—these poor creatures can no longer grieve at the injustice of their country, they are all numbered among the dead.

When Hobarton was constituted a city, the inhabitants were formed into a corporate body, and they had their commissioners elected by the people. It was soon found, that free institutions interfered with the interests of those engaged in convict discipline; the consequence was, that the commissioners of the wards came to an open rupture



with the local Government. The authorities refused to hand over certain dues that were promised, and claimed by the commissioners. Correspondence most voluminous was carried on between the commissioners and the Colonial Secretary, and the latter, whenever an opportunity offered, grossly insulted the elected of the people. The Secretary, in the end, proved too strong—the convict labour was under his direction, and so were the colonial funds. The city commissioners, after entering a protest against the disgraceful proceedings on the part of the local authorities, resolved, that as, under the circumstances, it was impossible for them to carry on their civic duties, it was advisable to adjourn their sittings *sine die*: and thus was an end of the corporation, much to the satisfaction of the Colonial Secretary, who was afterwards enabled to arrange the disbursements, without any interference on the part of those from whom the funds were levied.

Had it not been for the public press of New South Wales and Van Diemen's Land, the Australasian settlements would, in all probability, never have arisen to their present importance. It was the liberty of the press that, affording free discussion, allowed people in the mother country to gain true information as to the capabilities of the several colonies. Had it been in the power of the local authorities to stifle that liberty, it would have been effected, and the settlements, in all probability, would have now been mere gaols and receptacles for felons. Soon after the arrival of Colonel Arthur, in Van Diemen's Land, he used every exertion to shackle public opinion. An act of council was passed, enforcing duties on publications, besides which, other harassing measures were adopted; the consequence was, that one miserable production, in the shape of a Government Gazette, for a short time became the only news-

paper circulated. In 1828, the Home Government relieved the colonists, by disapproving of this gagging act, as it was then called. During the whole period of Colonel Arthur's administration, there was one continuous fight between the Government and the press, supported by the people. Criminal informations for libel were of common occurrence—military juries found the writers and the publishers guilty, whenever they were called upon by the Government to do so: trials were certainly allowed, but they were matter-of-form affairs, permitted merely to save appearances. The Hobarton gaol was very seldom without one or two prisoners being confined therein for libel, because the Government, setting the example, private individuals adopted similar proceedings. The libels on the government officers arose in accusations of peculation, sometimes with respect to land-jobbing, and at others arising from the improper employment of convicts, or in the appropriation of Government materials; the latter charges were frequently substantiated, with such apparent proofs, that many individuals of high standing were called upon by the executive to resign their offices, or else to clear their characters. As on trials upon criminal informations justification is not permitted, there remained little difficulty in procuring some of the Government hacks to swear that certain words printed and published were, in their opinions, libellous; and the greater the truth, the greater the libel, was then the colonial law. The brother of a leading judicial officer was, on one occasion, directly charged with cheating. As the accused held a Government situation, he was called upon by the executive, either to clear his character or to resign; he preferred bringing a civil action against the newspaper editor and proprietor, who was then in gaol, with some half dozen detainers against him for libels on the Government.

The cheater, fearing that he could not, by fair means, obtain a verdict, sought an interview with the defendant, and implored him to allow his defence to break down, so that his character might not be destroyed, offering not only to forego any amount of damages that might be awarded, as well as the costs, but in addition, if the editor would save him from ruin, he should be paid whatever expenses his own defence might occasion, and into the bargain, have a bonus handed to him. The defendant, not desiring to destroy the prospects of the youth, complied with the young man's request, and a jury returned a verdict of twenty pounds damages for the plaintiff, who sought to recover a thousand. No sooner had Colonel Arthur left Van Diemen's Land, than all proceedings of this description were discontinued, and it has, since then, been rare to hear of either criminal informations being granted, or civil actions being brought for libel. There are, at present, few, if any, party squabbles, unless it be the all-exciting one—the people against the Government on account of convictism: the juries being composed of the free, however much some of the authorities might desire to punish those who publish the truth, they dare not bring any of the writings of the day before a court of justice.

The press of Van Diemen's Land is highly creditable to the colony. There is a Government printer, who has the conducting of the Gazette, a gentleman sent out from England with types, paper, and ink, for the express purpose. This situation is, however, perfectly unnecessary, for any of the printing offices would gladly publish the Gazette for one-half the salary the Government printer receives—to say nothing about the very considerable expense the colonial treasury is put to for the needless printing establishment, of which nineteen-twentieths of the work is for con-

vict purposes. There are five newspapers in Hobarton, and three in Launceston, and where all are well conducted, it would be invidious to name one as more deserving notice than another*.

Large portions of the island are barren and rocky; in some instances there are miles and miles of stony ground, with scarcely herbage sufficient to feed a bandicoot. In the whole island there are not above 150,000 acres under crop, including meadow lands, that have been laid down with English grasses; more wheat is grown than any other kind of grain, and the quality is very superior: it is sold by weight in Hobarton, where it is always reckoned as if it weighed 64 lbs. to the bushel. When people look at the map of Van Diemen's Land, they naturally imagine that the capabilities of the whole island, as regards agricultural and pastoral purposes, must be clearly known; there is, however, a very great portion that has not yet been explored. Valuable tracts to the westward have lately been discovered, yet, no doubt, much more available land, before long, will be found. It is not cutting a direct line, or making a straight passage through the bush, that will allow a fair decision to be formed as to the nature of a country. When Sir John Franklin was Governor, he and his lady determined on making a passage from the settled districts to Macquarie Harbour, in order to examine the

* The "Tasmanian Royal Kalendar," is a work replete with the most correct statistical information, as regards the whole of the British colonies, more especially to those of Australia and Van Diemen's Land. It is printed and published at Launceston, the typographic part excellently executed, and the whole work admirably arranged. It is surprising that circulation in England has not been tried: the book contains much information that would be interesting to all parties having dealings with the colonies.

country. Before they could proceed, it was necessary that surveyors should be appointed to mark out a track, and Government men were despatched to cut a way through the scrub. Ultimately, Sir John, his lady, and *suite*, performed the journey, and a pretty affair they all made of it. Her Ladyship, at times, for miles together, was obliged to be carried on men's shoulders; what with the drenching rain, and the coldness of the climate, it is a wonder that any of the party reached their destination of Macquarie Harbour: and in their voyage home from that place the weather was so boisterous, that the Government vessel, sent there for them, was nearly lost during the passage. After all, Sir John Franklin and his lady only accomplished the reverse of what the convicts had not unfrequently done before them: the prisoners when they could, made an overland journey *from* Macquarie Harbour to the settled districts, whereas Sir John and his lady made their excursion *from* the settled districts *to* Macquarie Harbour. Of course, no good resulted from this viceregal pleasure party.

The districts which produce the most grain, are those from which water-carriage can be had: the distant habitable parts of the island generally serving as sheep and cattle stations. The potatoes of Van Diemen's Land are celebrated on the adjoining continent for their superior quality, especially those of the Derwent. There is one kind known by the name of "Brown's River;" it is black-skinned, hard, and solid, but when boiled is flowery in the extreme. Formerly vast quantities were produced, but in consequence of planting the land with sets from the potatoes grown there, the crops have been in latter years much less prolific, there being seldom more than three half-pound potatoes to one root, whereas formerly about a dozen were considered a fair average; the disease, so prevalent in

Europe, did not reach the colonies. In England it used to be reckoned, that if the potato stock was not renovated by produce from seedlings, about every twelfth year, failure would be the result. In Van Diemen's Land the settlers have carried on potatoing the same ground with the same stock for upwards of twenty successions. Seedlings have been reared in the island by some persons, and the fourth year, large-sized roots of excellent quality have been obtained, and from these, superior crops have been dug. Farmers in the colonies, and elsewhere, when perhaps too late, will find it would have been to their interest to have followed the old people, who were guided by past experience, rather than be depending upon experimental theories. Vegetables of every description are grown in great perfection, in most parts of the island. Seed that in England would produce a vegetable of two pounds weight, will, in the colonies, frequently give one of seven or eight. The author once saw some turnips of the white globe kind, taken from newly broken-up ground; they were not the pick of the crop, but a man happening to have his bullock cart loading in the field, was ordered by his master to draw a dozen of the best of those near to him—these were "topped and tailed," and when weighed, averaged upwards of fifty pounds each. Swedes, of the same weight, are not uncommon, and one was exhibited in Hobarton weighing eighty-four pounds.

Fruits, valuable in England, such as peaches, nectarines, &c., grow in great plenty, and there being little or no demand for them, the pigs generally come in for a full share of them. Plums of all kinds are to be had in abundance, and considerable quantities of apples, preserved fruits, and jams, are exported to the neighbouring colonies. Nuts and walnuts are only now, being pro-

duced in any marketable quantities. In England it requires forty years to bring walnut trees to perfection : in Van Diemen's Land, they arrive at full bearing in twenty. Horticulture is a very favourite study, and there are no settlers in the country, and few persons in the towns, who do not possess gardens of some kind.

The great varieties of the native shrubs afford a pleasing research for the botanist ; in appearance they are far superior to those of England, inasmuch as their beauty is evergreen, and though the blue gum, and some few others are not burthened with foliage, still the trees are never seen without leaves : many kinds shed their bark at different seasons, this peels of itself, and assisted by the action of the wind, is ripped off in long flakes and is cast to the ground. The mimosa or wattle, is a beautiful shrub, or tree ; there are three descriptions commonly known, the silver, the black, and the swamp ; the first bears a beautiful little yellow aromatic flower, in the early spring : and the black is equally odoriferous, it comes into full flower just about Midsummer or Christmas. The swamp wattle grows to a very considerable size, and the wood makes excellent shingles for roofing. The peppermint tree, the leaves of which possess the same flavour as the plant of that name known in Europe, grows to a large size, and so does the stringy-bark : all the woods of Van Diemen's Land are exceedingly hard, and tools tempered for such as are used in England, will scarcely take any effect upon them. The heaviest and hardest wood known in the island, is by way of contrariety called the *light-wood*. The native cherry is an elegant kind of cyprus looking tree, and as most things are reversed at the Antipodes, so the cherries grow with their stones outside. The fruit is eatable, and some say they like its flavour, but most persons consider it as insipid.

Bees have been introduced, and vast quantities of honey procured, which is generally used in the interior, in lieu of malt, in making very superior ale. The bees do not require to be fed in the winter: one stock-hive will send forth three or four swarms during the summer, and the earlier swarms will, the same season, send forth one or two casts. These busy little colonists are fast spreading all over the island. Hives of extraordinary magnitude are at times found in hollow trees, in the bush, and as the honey is not eaten during winter (or very little of it), the quantity sometimes obtained is surprising, bush hives have been taken yielding upwards of two hundred weight of pure honey. The gardens are well stocked with flowers of all kinds; but when these industrious little workers are most successful in their labour, is when the gum-trees cast the manna. This is a kind of excrescence which falls from the leaf of that tree, it is sweet and waxy in flavour, of irregular shape, and of a whitish colour, it is frequently collected for medicinal purposes. In Van Diemen's Land, garden produce, like everything else, is turned to account, whenever purchasers are to be found. When lodging at one of the hotels in Sydney, after his first arrival in New South Wales, nearly twenty-three years since, the writer was much surprised to hear the man cook of the establishment, order a lad to go over to the sheriff's and get him two-pennyworth of greens—a few years afterwards the Colonial Secretary of Van Diemen's Land, served the author's establishment with milk. The settlers are all of some occupation; there are no gentlemen that expend their incomes on their estates; but rather they live by their estates. Let a man be ever so wealthy, if he keeps his racers, his hounds, and his carriages, he will still be a farmer, either as an agriculturist, or a sheep-owner, and as

such, he will become a butcher, or a baker, selling his mutton or beef to the Government, or converting his grain into flour, and the flour into bread for the convict stations.

There are, in the island, about 16,000 horses, 85,000 head of horned cattle, and two million of sheep. The horses are of all kinds and descriptions, from the thorough-bred Arab racer to the heavy Clydesdale: the breed, generally speaking, has a tendency to degenerate, both in New South Wales and Van Diemen's Land, but this is easily accounted for—while young, most of the animals scarcely ever taste any other food than that which they can forage for themselves in the bush. Cattle, in Australia, thrive well, and so they do in Van Diemen's Land, generally speaking; but in many parts of the latter colony, they are decreasing in size, in consequence of the breeding-in. During the winter season, the cold in some places, and the consequent scarcity of food, nip the young animals in their growth. The usual plan is to get stock in twice or three times a year, look over them, brand the young, and then turn them loose again; instinct enables them soon to wander back to the runs where they have been accustomed to feed. The branding of cattle is a cruel operation: the animal is noosed, and drawn to the part of the stock-yard prepared for the purpose; there, when fixed immovably, by means of ropes and manual strength, a red hot iron, with the mark of the owner, is placed on some conspicuous part of the body, and there kept till the brand has burnt through the hide; the scarification thus made, may alter in a trifling degree as the beast grows; but to those accustomed to stock, it is, if properly done, ever after legible. In order to collect cattle, men are mounted on what are called stock horses, these are generally old animals, with a little blood in them. There is no sport more exhilarating than that of

cattle hunting or collecting. It is not one monotonous run, on the contrary, there is an abundance of variety; sometimes a bolt for a mile or two, at the utmost speed; and then, when the beasts are headed in the right direction, a little lull of quiet riding, and then, again, another rush, through brush and scrub, and over dead trees, rocks and hills—these are scrambled over at full speed, there is no time for the stockman to think. The best plan is to leave everything to your horse, and, if he be a good one, he will do what is necessary; if you thwart him, you frequently puzzle him, and you are pretty sure to get into some awkward predicament. The cattle, old bulls especially, will sometimes turn upon the horsemen, and then, discretion or safety in flight, is the better part of valour. Accidents happen less frequently than might be expected, but only those accustomed to the bush would attempt getting in cattle. To see a wild mob rushing down a hill, with stock-keepers almost flying, in order to head them back, is a startling sight for a nervous man, and would astonish an English steeple-chase rider.

The kangaroo affords excellent sport, and deer are hunted frequently in the northern parts of the island: but a boomer, or full-grown male forester kangaroo, is far preferable to the stag; the latter will keep to the open country, but the other does not care whether it is open or otherwise. Emigrants, if they have been accustomed to the hounds in England, always fancy they can "astonish the natives;" and it is customary for the colonial sportsmen to lead them on in their own conceit; but once in the bush, and the hounds in full cry, and of all the poor miserable objects deserving pity, it is the English huntsman—he cannot do anything with the country—the dead timber and the dense scrub that he gets entangled among, soon satisfy him that

he knows nothing about the pleasures of a real good kangaroo hunt. The dogs will kill two or three in the course of a day ; sometimes they lose scent altogether, but generally the animal is taken, dead or alive. The kangaroos formerly were very plentiful in most parts of Australia and Van Diemen's Land ; there are none at New Zealand. In all the colonies, they are being rapidly destroyed, and no great numbers are to be found anywhere near the settlements. The animal is, naturally, almost as timid as the hare ; and what with its fears, and the continued hunting, those that have escaped have wandered from their native pastures, and taken to more distant runs. As the kangaroo is generally hunted with dogs, and as these are terribly destructive among sheep, when not under proper control, many large sheep-owners prefer allowing the kangaroo to feed with their flocks, rather than risk the destruction the dogs might cause. The kangaroo dogs (not the hounds, which are generally harriers), are of a breed between the grey hounds and some large dogs of scent : the cross of the grey and blood hounds are, perhaps, the best of all ; they have scent, speed, and sight, and their skins are tough. The English grey hounds afford excellent sport on the plains, and a flying-doe will seldom be overtaken by them, but these dogs sometimes cut themselves dreadfully, when running in the scrub, among the dead trees. The larger kind of kangaroo, the foresters, usually frequent open forests ; and the brush which may be called the ordinary kangaroo, is generally met with in or near the brush or scrubby ground. The wallaby is seldom if ever found, except in dense covers, and it cannot be hunted to afford any amusement to the sportsman ; these are, therefore, driven from the covers, by little dogs, and shot somewhat in the same manner as are rabbits.

The customary kangarooing takes place at early dawn. Before sunrise the party will reach the hunting-ground, usually with a couple of dogs, sometimes more. As soon as a kangaroo is found, a rushing noise is heard of—bomp, —bomp—bomp—as the animal takes its bound. The dogs are off—all is then silent; the huntsmen scramble through the wood, and, from the different elevations, obtain the best sight they can of the chase. After some considerable time one of the dogs will be seen returning, and closely after him his companion. The huntsmen call them, and examine their mouths, and provided they have not fallen in with water, they can immediately tell if they have killed, by the loose hair clinging about their teeth. The dogs are then told to “show.” A well-bred kangaroo dog will not require his mouth to be examined, because when told to “show,” he wags his tail, and will not move: this is, in the parlance of the dog-tongue, as much as to say, the kangaroo has had the best of it, and escaped; whereas, if the animal has been killed, the dog lets fall his tail, and walks, like an old soldier on duty, to the spot where the kangaroo lies dead, perhaps a mile distant. It not unfrequently happens, that whilst returning from killing the first, another is started, and followed, and captured—and when a good dog is showing, he will take to the nearest, then to the next, and so on. As long as the dog continues his steady deportment, you may rely upon it he has not finished his work—but when all the killed are shown, then he begins hunting again as lively as before. The huntsman, on arriving at the animal, takes off the skin, and leaves the carcase for the eagles and crows, that is, if he does not require food; but, in the event of kangaroo meat being wanted, he skins the forepart, and cuts it off, and, with the entrails, leaves it on the ground, the hind

quarters remaining unskinned; he then cuts a slit in the skin, at the neck, passes the tail through, and thus, covering the inside, carries the animal by the tail. The dogs usually come in for a mouthful—generally the heart and liver. A good dog will never over-eat, as it impedes his running. If any “break in,”—that is, after killing, if they help themselves to the flesh, they are generally shot, because dogs that will do so, will, as a matter of certainty, destroy sheep. So numerous were the kangaroos in some parts of the interior, that it was not uncommon for a shepherd, when he was allowed to keep his dogs, to collect, in his spare time, during the season, skins to the value of £.30 or £.40. Each brush-skin is now worth, upon an average, fifteen pence, and produces better leather than any of the other kind.

There is a description of hunting carried on at night—it is after the opossum. These harmless creatures are, generally speaking, destroyed for food for the dogs. They are sometimes skinned, and the skins made up into rugs. “New chums” frequently take great pleasure in this barbarous sport, if it may be called a sport. The party, on a moonlight night, sally forth with fowling pieces, or rifles, and a little dog or two—a cross between the terrier and spaniel is the best. On finding, a few short barks will be heard, and this indicates that an opossum is “tree’d”—that is, the animal has been scented by the dog, as having gone up a tree:—or else has been hunted from the ground on which he was feeding, to take shelter in a tree. The sportsmen, hearing the dog’s signal, make towards the place as speedily as they can: and in a rough country, with perhaps no very brilliant moon, the scrambling and struggling over and through the uneven ground and bushes, is neither an agreeable nor an easy task. Every now and then

an encouraging shout is given by the party advancing, or the dog would otherwise leave the tree ; but no sooner does he hear the huntsmen, than he replies by a whine or howl. When the spot is reached, the opossum is then to be discovered—sometimes he is sheltered in a “fork,” so that he cannot be touched with ball or shot, sometimes a knob of the wood is mistaken for him, and many a round of ball is fired, to dislodge a supposed animal. When the opossum falls, he is sacked, and the hunting proceeds. The flesh of the animal is somewhat between the hare and rabbit—it is strongly flavoured with peppermint, the leaves of that tree affording a great portion of its food. Those who will take the trouble to bury the opossum in moist sandy ground for two or three days, and then skin it and make it into a stew, will find it a dish by no means to be despised. The waambat is a thick heavy animal, in shape and colour somewhat like a short-legged bear. The flesh is not unfrequently eaten by stock-keepers ; it is of excellent flavour, and very much resembles sucking-pig. The waambat burrows in the ground, and is usually found in very wild desert scrub, and rocky places : it is harmless and tractable. There is an animal called the tiger, on account of its resemblance to that well-known quadruped. It is very ferocious, and exceedingly destructive among sheep. Some are nearly as large as a heavy stag-hound. Another animal, about the size of a Scotch terrier, is called “the devil.” When set upon by the dogs, it will fight most savagely, and it is so strong in the jaws, that it has the power to snap a leg bone of a dog. Then there is the tiger-cat ; and a smaller species, called the native cat, an elegantly marked animal, it is very destructive to poultry, and partakes of the character of the English weasel ; and there are, besides, numerous smaller animals—the kangaroo rat, the bandicoot, the

kangaroo mouse, &c., &c.; but the reader who may be curious to know more respecting the natural history of Van Diemen's Land, must be referred to other works for further information.

The flesh of the kangaroo is, perhaps, the most nutritious and most easily digested of any known to man. It is of dark colour, like that of the hare, but having so said, the similitude ends. The settlers, who do not like to give themselves much trouble, generally cut steaks off the hind quarters, and fry or broil them on the wood fires: they are excellent, cooked in this way, when seasoned with a bush appetite. The fore-quarters of the animal have very little flesh upon them, so that the only part valued by the hunter, as described, are the hind-quarters: what is called a saddle is cut therefrom, and a saddle of a forester, well roasted, and eaten with currant jelly, as a sauce, is a dish fit for any alderman—or perhaps an epicure might prefer a young wallaby roasted whole, and served up like a hare. But of all the dishes ever brought to table, nothing equals that of the "steamer." It is made by mincing the flesh of the kangaroo, and with it some pieces of pork or bacon. The animal has not any fat, or scarcely any, in its best season; when the meat is chopped up, it is thrown into a saucepan and covered over with the lid, and left to stew or steam gently by the fire-side: it is, from this method of cooking, called "steamer." People generally put a spoonful of water in the pot when they place it on the fire; but this is unnecessary, as the flesh soon floats in its own rich gravy: it only requires pepper and salt to render it delicious. No one can tell what a steamer is, unless it has been tasted; it indeed affords an excellent repast, and it is surprising that the steamer, preserved in tins, has not yet been exported to England.

The whole of the different species of the kangaroo tribe, indeed all the native animals, are somewhat remarkable as to their mode of increase. Every female kangaroo has a pouch in the forefront, not perceptible at first sight: in this, at the lowest extremity, is a teat, on which, in the breeding season, a white ball, the size of a small pea, is at first perceptible; this increases, and a little white animal in time becomes apparent; it then enlarges, and the colour darkens, and it becomes a small perfect kangaroo, with the teat in its mouth. As it advances towards maturity, it becomes gradually covered with hair, and the little animal then occasionally leaves the teat, and peeps his head out of the pouch. As it advances in strength, it will leave its domicile for a time, and hop about with its mother, but when tired, or danger is threatening, it will retire to his native home. When hard pressed in running by the dogs, the mother "dings her joey," that is, with her forepaws lifts the joey, or young one out, and casts it into or alongside a bush, or shelter of some kind, here the little thing nestles up and secrets itself; and if the mother escapes, she returns and takes charge of her little beloved. Some say the breeding continues during the whole year; but this is not the case, no joeys can be found in the winter season. There ought to be, before too late, a local enactment passed, protecting the kangaroo from being destroyed when breeding, or during the summer months. Hares have been introduced into the colony, but they are very scarce—rabbits thrive so rapidly, that in some places masters supply their men with powder and shot for the express purpose of destroying them, as from their number they become troublesome to the settlers' crops: they usually prefer scrub-fencing to form their burrows under, the dogs, therefore, cannot hunt them.

Snakes are very numerous in parts of the island. The black kind is the most common. The diamond snake is very beautifully marked. The bites of all are deadly in their effect, yet it seldom happens that persons are bitten by them: these reptiles naturally avoid contact with mankind, and it is only when they are wounded, or cannot escape, that they attempt to defend themselves. The guanna are also numerous: and the pretty little harmless lizards are to be found in every garden, and almost in every dwelling in the interior.

The most stately monarch of the air and woods, is the eagle-hawk, very much resembling the larger description of eagles in England*; in some parts of the island they are exceedingly numerous, and destructive to the lambs; but the greatest loss to the flock owners in lambing season, results from the crows. These pop about among the sheep, and if an ewe leaves her young asleep, the crows at once seize upon the poor little innocent and pluck out his eyes, and thus kill him. The eagles and the several kinds of hawks, destroy many of the domestic fowls of the settlers' stock yards; shepherds have usually fowling pieces or muskets, and their masters generally give them so much per head for all the wild dogs, tigers, devils, eagle-hawks, and crows, that they destroy. The bronzed-winged pigeon, whatever the naturalist may please to call it, is nothing more than a red-legged partridge that builds and roosts in trees—it is exceedingly rapid on the wing, more so than the blue rook of England. It is usually shot from off the trees, but early in the morning and late in the evening it may be found on the stubbles, and dogs are broken in to point or set to them—

* The Emu is becoming very scarce, indeed, it is now seldom met with in Van Diemen's Land.

they are good eating, much the same as partridges, and, if anything, superior in flavour. There are plenty of quails in some parts of the island, and in the season great numbers of snipes arrive, but where they come from is not known.

Provisions are plentiful in Van Diemen's Land ; bread is usually cheaper there than in the adjacent colonies, and so are vegetables ; but meat is somewhat dearer. The prices of all kinds of food in the Australasian settlements must be even more moderate than at present, as more land becomes cultivated, and the stock increases. The beef and mutton of Van Diemen's Land is not to be equalled : the sheep and cattle imported are different in flavour from those reared in the colony : there are the South Down and the Leicesters, but the usual supply is obtained from the cross of these. The mutton is short, sweet, and juicy, nutritious and easy of digestion ; that known in London as the Dartmoor, is the nearest approach to it, but any one accustomed to Van Diemen's Land mutton, can hardly bear the strong offensive effluvia of the very best English meat, and the flavour of the latter to such a person is for a time actually disagreeable. Persons who have once eaten the grass-fed beef of Van Diemen's Land, cannot fancy any other ; the continentals will have it that theirs is superior, and they say that it only requires the colder climate of Van Diemen's Land to allow it to be eaten in perfection ; if this were the case, imported cattle would afford superior meat, but this is not so—the animals that arrive from Port Albert, and other places, may be fatter, but they taste always, more or less, rancid.

The coasts of the island abound with excellent fish, and several kinds are almost always to be had every morning in the city : the trumpeter is unquestionably the finest. This fish, in form, is somewhat similar to a snapper, or to

allow the English reader to comprehend what is intended, it is like the fresh-water perch, without the prickly back fin; when the trumpeter is in season, flakes of fat are to be found in its inside. There are mullet, salmon, mackerel, flounders, perch, bream, flat-heads, barracoota, and several others. Rock cods are very plentiful in all the bays, they are small, and of the same description as those found on the American coast, opposite the cod banks of Newfoundland. Many years since two sailors represented that they had discovered a regular cod bank off the eastern coast of Van Diemen's Land, and they produced fine cod to prove that they had done so. They required a bonus to point out the position, but none of the inhabitants, at that time, considered it worth their while to trouble themselves about the matter, and the men are either dead or have left the colony. Before long, it is to be hoped, the bank may be re-discovered, because, if it were, it might be made available to the interests of the colonists, inasmuch as salt fish might be exported to India, where in many parts there is a constant demand. The local Government would do well, therefore, to offer a reward for the discovery of this bank; it would only be giving a sprat to catch a whale. On the southern side of the island, the craw fish, of the same description, as those of New South Wales, are plentiful, and on the northern are lobsters, like those of Europe. The oyster is common in many parts. Formerly, New Town Bay was the principal dredging ground, but the fish were nearly all taken, on account of the vicinity to the city: no one, however, has latterly thought of examining whether the few that remained have re-stocked the bay. The fishermen dredging, as they do on the oyster banks, at all seasons, prevent the fish from breeding—young and old, are taken indiscriminately, and when one bank is destroyed, the fishermen seek another. There should be a

local enactment, inflicting a penalty on all persons exposing oysters for sale during the breeding season—the early summer months, when the fish are unwholesome as food—if this were done the increase would be certain, and there would be no danger of the oyster becoming extinct. In former years the harbour, and most of the bays, near Hobarton, were literally swarming with muscles, not a rock could be found but what was covered with either the young or the old : owing to one of those freaks of Nature unaccountable to man, not one single shell fish of the kind can at present be seen. Crabs, which were formerly exceedingly scarce, on the contrary, are now becoming plentiful, yet no one takes the trouble to trap them and offer them for sale.

There are two theatres in Hobarton, and one in Launceston, they are large and well built, and adapted to the population ; the people are, however, not much of playgoers ; so that little encouragement is held out for those who, in this way, cater for the public amusement. The actors are emigrants, from England, and the performances at the Victoria would not be discreditable to any of the London minors.

Horse racing is a very favourite amusement in most of the Australasian settlements ; but in New South Wales and Van Diemen's Land it is much more patronised than in the others. Large sums of money have been expended in both these colonies, in the importation of thorough-bred stock for breeding ; and, at the starting posts, racers are frequently to be seen, that would astonish those gentlemen in England who are connected with the turf. Every animal imported into the island seems to thrive better than in the mother country, and horses are certainly not an exception to this general rule. The speed of some of the Van Diemen's Land racers is equal in time to the best of

England; and when the inferiority of the colonial race courses is taken into consideration, it may naturally be allowed that, on equal running ground, the Van Diemen's Land horses would be superior. The colonial breed has more bottom than that of England, and so heavy are some of the race courses, that no English stud owner would allow his racers to run upon them in wet weather. The best course is at Ross: the Launceston is a very good one, and that of New Town might be made excellent; for about a quarter of a mile it is heavy clay, and almost immediately adjoining, there is another quarter of a mile of light sand, in which the horses' fetlocks are covered when running; the two mixed together, and turfed, would form superior racing ground. There are at all the races, two year old trial stakes, town plates, ladies' purses, &c., just the same, in fact, as in England; and a stranger placed on the New Town course, might, from the appearance of all things about him, fancy himself at one of the fashionable English races.

As before observed, everything in these colonies is English, and the feasts and holidays of the mother country are not forgotten. Christmas Day is generally extremely warm, and yet few dinner tables will be found without hot roast beef and steaming plum-pudding, decorated with the blooming mimosa, in lieu of the English holly berry. These dishes, however, are presented merely as matters of course, for the guests usually prefer partaking of food less solid, and of a more cooling description. When people are enjoying themselves under shady trees in their gardens, drinking their wine or toddy after dinner, many and many a toast is given in honour of Old England; and rapid are the thoughts, and numerous are the surmises, respecting the miserable cold of the old side of the world, and what friends are then doing at the Antipodes. When family reunions

take place on this day of festival, the parents will enter into details of former times, recite their own histories, and tell their children how much superior their adopted new land is, to that of the worn-out mother country. Christmas Day and Good Friday, which latter occurs about the time of the autumnal equinox, are the two grand church holidays; but the great gala day of Hobarton is on the 1st of December; it is held in commemoration of the discovery of the island, by Tasman. On this occasion, a subscription regatta takes place on the Derwent; the point of rendezvous is at the pavilion in the Domain. On the morning of the day appointed, if the weather be fine, at eight o'clock, the guns of the Prince of Wales's battery give intimation of it being the festival; should it chance to rain, the regatta is postponed till the day following: fine weather being indispensable for this grand annual event. At nine o'clock, a flotilla starts from the city—this little fleet consists of all the boats that are entered for the various matches, besides the state barges, in one of which, the Governor and his family are always to be found; and in the others, the bands of the regiments stationed in the city. All the boats are placed according to order, four or five abreast, and in rows of considerable length; and from the stern of each, to the bow of the following, is a tow line, so that every boat keeps its proper distance: all the rowers are gaily dressed, and pull in time to the music. One of the steamers heads the fleet, and with her power and that of the oarsmen, the heavy craft are majestically towed along. What with the flags of each boat flying, the guns of every vessel in the harbour firing, and those of the battery pealing forth their thunder, and the thousands of spectators that assemble on shore to proceed to the pavilion point with the flotilla, as it advances, it is indeed a gratifying spectacle.

The pavilion is about two miles from the city. Here are all kinds of booths—everything has the appearance of an elegant English festival: convicts are not allowed to be present, unless attending upon their masters. All things combine to put the visitors in good humour, and so well conducted are the spectators, and so exceedingly well dressed are all, that were tickets required at the entrance, and were these tickets of high price, a better conducted company could not be collected. There are races and matches of all kinds—pleasure yachts, coasting boats, and coasting barges with sliding keels, all classed according to their tonnage. Then there are gig races, for amateurs and for native youths, above or below certain ages; then there are the watermen's races, with sculls; the fishermen's races; and the most exciting of all, that of the whalers, of two classes; and, generally, the festival ends with a dingy hunt—this consists of four five-oared whale boats, the crews of which are, if they can, to capture a man and dingy; the latter has about two hundred yards "law" given, and the sport lasts twenty minutes, the time being strictly denoted by the firing of a signal gun. On the discharge of the first gun, the four whalers seldom attempt a rush, but manœuvre according to some preconcerted plan the men have laid down unknown to the duck or dingy man. Some minutes will elapse, during which time the four boats will be seen taking up different positions, and then, suddenly, away they stretch for the little dingy; the duck, then, has to keep awake, crossing their bows, backing water now, and then pulling a-head: the bowman of a whale boat often puts forth his hand, fully hoping to seize the dingy, when one violent exertion of the duck stretches the little boat far beyond his reach, much to the amusement of the spectators. The chief fun of the game, arises from the difference of time required between rounding a dingy with-

out any keel, which can be done very rapidly, and the time it takes to round a long whale boat with the steer oar, which occupies a good deal of time. It is exceedingly hard work for the dingy man, and he would at last be worn out and made prisoner, but when the twenty minutes are expired, if not taken, he becomes the winner—if captured, the crews of the four whale boats have the prize. The boat and the man must, however, both be captured; and, generally, when the dingy is seized, overboard goes the duck, and he dives and comes up at the stern of the whalers: with a good swimmer, it is much more difficult to capture the man than it is to get his boat. These races afford one continuous excitement, and roars of laughter, especially so, when, in the water, the duck will sometimes make fast to a steer oar, to rest himself, leaving the steersman unable to move his oar: of course, another boat soon arrives to take him off, but the duck dives and takes up a fresh position.

As regards aquatic sports, the colonists are generally very fond of them, and the native youths are, perhaps, not to be surpassed, as oarsmen, by any other people. The English whaling ships' crews have no chance whatever with them: and picked men have been obtained from among the Americans, but they can do nothing with the native lads, they have such strength and stamina. The usual distance marked out for the whale boats is about ten or twelve miles, and this is no trifle when there is a strong sea-breeze, which is generally the case. So well are these races sometimes contested, that it has not unfrequently occurred that dead heats have been pulled, and the matches been run over again. In a small way, there is as much interest excited in Van Diemen's Land, as to who is to be the winner among the whalers, as there is in England as to which horse is to carry off the Derby: and the betting is occasionally very con-

siderable. There are, of course, favourites, but, generally on starting, each crew makes certain of gaining, if not the first, at least the second prize. When the victors reach the winning point, the guns of the shipping that are in attendance send forth their thunder: and the military band, waiting at the water's edge, striking up some national tune, march with the conquerors to receive the prize. The whalers lift their boats on their shoulders, and the steersmen, seated in them, advance to the stand, where His Excellency is waiting to congratulate the fortunate seamen. The first prize is usually forty sovereigns, the second thirty, and generally there are three of smaller amount. A short appropriate speech is addressed by the donor to the successful candidates, a general shout of approbation follows, and on these occasions people are willing to forget that the Governor—is not their own Governor. Towards dark, all the orderly people retire, and then another description of gaiety follows: dancing, drinking, and all manner of fun and mischief; and many and many a man who, for twelve months, has been a staid, sober citizen, “won't go home till morning, till daylight does appear.”

Cricket is a game much played in Van Diemen's Land, and there are frequent matches, well contested. The grand play is between the natives and all England; and, generally speaking, the natives are the winners. The ground is in the Government paddock, within sight of the city. When the tents are fixed, numbers of the inhabitants stroll out to witness the games.

In future years the antiquary will be somewhat perplexed, when seeking interpretations of the proper names given to various parts of the colony. There are places known as “the Devil's Loins,” the “Devil's Back-bone,” and “Hell's Gates.” Then there is “Jerusalem,” “Jericho,” “Bagdad,” and “Paradise.” Then we have a very little streamlet, called

the "Thames," and another rivulet is named the "Dry Creek;" not because the waters are at any season dried up—on the contrary, there is always a plentiful supply: but because the first explorers, who travelled that way, were exceedingly dry, or thirsty, when they reached its banks. Further on is a small stream, the "Plenty," so named, not on account of any plentiful supply of water, but because the aforementioned travellers had had a plenty when they reached the "River Plenty." Then, at the entrance of the Derwent, opposite d'Entrecasteaux Channel, is the "Iron Pot," but why so named, even now, in this early stage of history, cannot be explained. There was, some few years back, a woman of bulky appearance living in Hobarton, who was well known as "Iron Pot." Her Christian and surnames were never mentioned, but in all probability she is not down in the baptismal register, as *Iron Pot*. Whether the rock at the entrance of the Derwent was named after this female "Iron Pot," or the lady in question received her appellation from the rock of the same name, cannot now be determined; but probably some antiquary may, in future years, lead to the discovery of the identical "Iron Pot," which gave the title to the nymph of Hobarton, and to the rock on which the light-house is now erected. The names settlers have given to their farms and stations are, at times, exceedingly strange—one in particular, is called "No where else." Some of the proper names are very improper to be given in a civilised community, and many a female stranger blushes when, for the first time, she hears them spoken of; but yet those accustomed to them cannot imagine anything indelicate in repeating what they have been in the habit of hearing, ever since childhood.

LAND REGULATIONS,

AND THE

ABORIGINES OF VAN DIEMEN'S LAND;

WITH APPENDIX.

CHAPTER XIII.

LAND REGULATIONS—DANGER OF HAILING FROM NEW SOUTH WALES OR VAN DIEMEN'S LAND—OLD LOCATING SYSTEM—DIFFICULTIES OF OBTAINING LAND WHEN PUT UP FOR SALE—GRANTS OF THE ELDER COLONIES—PRESENT REGULATIONS AND THEIR INSUFFICIENCY—MODERN GRANTS MERELY LEASES—VAN DIEMEN'S LAND AGRICULTURAL COMPANY—PRICE OF LAND IN NEW ZEALAND.

THE land regulations are very important subjects connected with the colonies, and persons desirous of emigrating will no doubt wish to be informed in what manner such kind of property may be acquired. Before entering upon the rules and regulations now in force in the Australasian settlements, it will be desirable to trace back some little distance of time, and explain the systems formerly carried out, and in doing so it is necessary to observe that the same regulations, as to the granting or giving of land, were enforced in New South Wales and Van Diemen's Land.

In former times, the very name of Botany Bay was quite sufficient to deter any one from the thought of migrating to what are now the Australasian colonies, and so difficult is it to eradicate pre-impression from the mind, that even yet it is not by any means advisable for an individual to admit that he has resided any length of time either in New South Wales or Van Diemen's Land. Civility may prevent the party spoken to, from actually

buttoning his pockets when so informed, but nevertheless a desire to do so naturally arises; or, if not, perhaps it is a mere wonder whether the party describing himself as being from one of these places, has or has not been a convict? The term Australia, however, baffles most persons that are not actually acquainted with the geographical positions of the several colonies, and, generally speaking, the name of Australia being somewhat refined in its sound, gives a better impression, although whether Australia includes Botany Bay, Port Arthur, and Norfolk Island—or whether Botany Bay, Norfolk Island, or Port Arthur includes Australia, not one in a hundred casual readers stay to inquire. This prejudice against the Australasian possessions in former times was exceedingly detrimental; and but few free emigrants, and those not of the purest characters or the most wealthy, could be induced to direct their course to these distant lands. But some pioneers having cleared the way, and reported that the road was not only open, but that good foraging ground was at hand, others were induced to follow.

In both colonies, land was in the first instance granted to marines, old sailors, and emancipated convicts, for it was not till 1821 that any number of free emigrants arrived in either of the settlements; indeed, it was not for some few years after the termination of the European war, that the authorities in England had leisure even to think of the distant possessions, unless it was to devise means for their protection in a military point of view. As more particularly regards Van Diemen's Land, it was Governor Sorell who first recommended that every encouragement should be given to free emigrants, and he was of opinion that it was only by the introduction of such a class of persons that the settlement could be raised from the depression it was suffering under as being a mere dépôt for convicts and jailors. It

therefore became absolutely necessary that some considerable stimulus should be held out, by which the desired end might be attained. With these intentions grants of land, differing in extent according to the rank of life of the emigrant, were *given* on arrival. In addition to the donation of land to such emigrant, a bonus was held out—he was promised convicts to improve and cultivate his land : for several years, yet further stimulus to emigration was offered ; the settler was told that, in addition to land—in addition to prisoners of the Crown to work that land, he should be supplied with food for himself and his family, and for his prisoner servants also, till such time as he might become entirely independent of other aid. Nor was this all, the emigrant was still further informed, that only a trifling quit-rent should be imposed—a mere nominal sum should be claimed by the Crown as rent, and that every settler, who relieved the Government by the employment and maintenance of convicts, should have his quit-rent redeemed by such means. Under these circumstances, many were induced to leave their mother country, to migrate to these distant shores. Even so late as the year 1826, the official documents obtainable at the Colonial Secretary's office, in Downing-street, held out prospects almost as favourable to the emigrant*—what changes have subsequently

* For the information of persons proceeding to New South Wales and Van Diemen's Land, as settlers, it has been deemed expedient to prepare the following summary of the rules which His Majesty's Government have thought fit to lay down, for regulating the grants of lands in those colonies :—

1.—The division of the whole territory into counties, hundreds, and parishes is in progress—when that division shall be completed, each parish will comprise an area of about twenty-five miles. A valuation will be made of the lands throughout the colony, and an average price will be struck for each parish.

taken place?—By degrees, the regulations under which the original settlers migrated to the colony, were altered. At first, the difficulty of assigning prisoner-servants in

2.—All lands in the colony not hitherto granted, and not appropriated for public purposes, will be put up for sale at the average price thus fixed.

3.—All persons proposing to purchase lands, must transmit a written application to the Governor, in a certain prescribed form, which will be delivered at the Surveyor General's Office, to all parties applying, on payment of a fee of two shillings and sixpence.

4.—All correspondence with the local Government, respecting grants of land, must take place through the same office.

5.—The purchase-money is to be paid by four quarterly instalments. A discount of 10 per cent. will be allowed for ready money payments.

6.—On payment of the money, a grant will be made in fee simple to the purchaser, at the nominal quit-rent of a peppercorn.

7.—The largest quantity of land which will be sold to any individual, is 9600 acres. The lands will generally be put up to sale in lots of three miles square, or 1920 acres. Persons wishing to make more extensive purchases, must apply to the Secretary of State in writing, with full explanations of their object and means.

8. *Any purchaser who, within ten years after his purchase, shall, by the employment and maintenance of convicts, have relieved the public from a charge equal to ten times the amount of the purchase-money, will have the purchase-money returned, but without interest. It will be computed that for each convict employed, and wholly maintained by the purchaser for twelve months, £.16 have been saved to the public.*

9.—Lands may also be obtained without immediate purchase, but upon different conditions.

10.—Persons desirous to become grantees without immediate purchase, will make their application to the Governor in writing, in a prescribed form, copies of which are to be obtained at the Surveyor General's Office, on payment of two shillings and sixpence.

11.—The largest grant that will be made to any fresh settler without purchase, is 2560 acres, the smallest 320 acres.

12.—*No grant is to be made to any person without immediate pur-*

proportion to the number of acres *given* to the emigrant, was impossible; either the calculation had been made without reference to the number of convicts in the colony, or else too large a proportion of land was offered to the free settler—but this is of trifling consideration. When, however, the tide of emigration was flowing on these shores, the Home Government by degrees withdrew the stimulus—at first, the rations for the emigrants on their landing, were reduced from six, to two months—and then none were allowed. Regulations after regulations were published—the encouragement was no longer offered, and, the Home Government, in 1830, positively ordered that no more land should be given to the emigrant, but that every acre should be sold. As to the promise held out of reducing the quit-rents in proportion to the number of convicts employed by the settler, such allowances were never made. The Governors of both New South Wales and Van Diemen's Land, remonstrated against the thus disposing of

chase, unless the Governor is satisfied that the grantee has the power of expending in the cultivation of the lands, a capital equal to half their estimated value.

13.—A quit rent of 5 per cent. per annum upon the value of each grant of land, as estimated in the survey, will be levied on all such grants; but such quit-rents will not commence to be levied, until the expiration of the first seven years next succeeding the issue of such grant; at the expiration of the above-mentioned seven years, the grantee will become possessed in fee-simple of the grant, subject to the payment of the quit-rent; or, he will be entitled to redeem such quit-rent, if he prefer that alternative.

14.—*In the redemption of his quit-rent, the grantee will have credit for one-fifth part of the sums which he may have saved to His Majesty's Government, by the employment and maintenance of convicts, and for the purpose of making this allowance, it will be calculated that the Government has saved £.16 for each convict employed by the grantee, and wholly maintained at his expense on his land for one whole year.*

land by sale—they not only saw that it would check the tide of emigration, but it would also clip themselves of one of the most important attributes of office. Whether it was owing to the home authorities having been made acquainted with the jobbing that had been permitted among the leading Government officers, that the alteration took place, or whether it was considered that sufficient stimulus had been given to emigration cannot now be determined.

There can be no doubt but that the plan, according to which land was formerly located, was exceedingly unfair, and under such a system, it cannot be wondered that the most extraordinary instances occurred of oppression and injustice. In former times, the free settler, on landing, called upon the Surveyor General, and a map was immediately laid before him—but that was all!—for as to any further information being afforded, *that* depended upon other circumstances. If the new comer had not any friend to tell him how to proceed, he would immediately go in search of land in the interior—he would then return to the Survey-Office, with the knowledge of perhaps a dozen spots suitable to his fancy; the first he would be told had already been taken—the second was a township—the third a private reserve, and so on; in fact, the whole number of selected places, he would discover to be either reserved or located, although no mark whatever, to that effect, might appear on the charts. After much waste of time, and very considerable expense and inconvenience, the new settler would by chance fix upon some distant spot, which being so remote, was totally valueless in the estimation of the Surveyor General, and this land he was ultimately allowed to possess. If, however, a settler arrived who had a friend to counsel him, the business was soon settled, and a hogshhead of wine, a pianoforte, or a harp, or such like present, would point

out on the chart in the Survey Office, the most desirable land in the colony. In former times, the free emigrants brought with them orders to locate, but in later years this was not necessary, for the Land Board was appointed to fix the rate of quit-rents, and to examine the amount of capital the fresh settlers might bring with them; and the Governor had the authority to *give* away the land in proportion to the capital introduced. Here also fraud was common; the capitalist entitled to a large grant, would often find an almost beggar that came out with him in the same ship, receive a like quantity adjoining him. It was the practice for individuals to borrow sums of money, and to show the bank receipts to the commissioners—and when the location order was issued, the money, of course, was returned to the lender. The favouritism too, practised, will scarcely be believed by any individuals not fully aware of the true circumstances—some friends of those in power would have large grants given them, besides suburban, and township allotments in numbers, in every town, if they pleased to have them! Government officers, without bringing with them one farthing, had the most extensive *gifts* of land; whilst the industrious capitalist, the real settler, had his time and money frittered away with the difficulties and negligence he had to combat with at the Survey Office. The land patronage was disgracefully made use of, Government officers and friends of those in authority or favour, had large additional grants for "*improvements made*," when the applicants for such additions had not even seen the land first given to them, nor cultivated an inch thereof, nor expended thereon one farthing. Whilst land of the finest description and the most valuable, was squandered on men holding Government situations, who were necessarily prevented from residing on their grants, or improving them, every obstacle was thrown in the way of the capi-

talist, who unfortunately had no friend at the Colonial Court. Bandied about from one office to another, if a settler obtained the land order his property entitled him to, he would at length proceed in search of a station, and after the shuffling of the Survey Department, and much labour and expense, would have the spot marked out on the chart as his own. When this was done, the settler naturally imagined his troubles were ended, and that he might consider the soil he selected, as his own property; but this was not the case;—the settler would occupy the land—would cultivate it, and expend every halfpenny he was worth thereon, trusting that his children would reap the benefit; year after year would pass; no entreaty of his could obtain the measurement by the Government surveyors; and when one of the department did condescend to come and point out his boundaries—the settler would then discover himself to be a ruined man—he would then find he had for years, unknowingly, been cultivating land, the property of another. This, reader, is not a solitary case, but numerous such, unfortunately, could be adduced. With regard to the resumptions of land they were numerous as respected the claims of private individuals; but scarcely a single instance can be named where a Government officer had his location forfeited for having infringed the regulations. It is to be regretted that so much power and patronage was placed in the hands of any individuals, and it is still more to be lamented, that the persons having the power in so many instances so shamefully abused the trust*.

*“ The land jobbing system, which has been carried on with impunity, would astonish, were it prudent to be made known; men who ten years since were almost penniless, have by some unaccountable means become landholders of from 10 to 30,000 acres; surveyors, whose salaries were nominally but trifling, have been most fortunate in the jobbing, and have amassed wealth with a rapidity truly sur-

The practice of giving land was unquestionably ill-adapted to promote emigration; the locations were all on too extensive a scale; few of the land-owners cultivated more than was actually required to provide their own establishments with food: and as to their extensive estates, they were allowed to remain as nature formed them, and were only used as bush sheep runs, or cattle grounds. If the system of giving was detrimental, so also has been that of selling land in the colonies. (See Appendix, L.)

The present regulations regarding the sale of land differ slightly in the several colonies; in the elder settlements the titles are mostly of a very questionable character, as will be seen by explaining the merits, without diving into the legal technicalities. In former times it was found advisable that the Crown or king, should not in himself have the power of disposing of the lands belonging to the nation, unless sanctioned by the Lords and Commons: and this was probably a very wise stipulation, as some of our kings might otherwise have taken a fancy to give or sell New Holland to one companion, and Van Diemen's Land to another. To effect, therefore, a transfer of the land from the nation to a subject requires the sanction of King, Lords, and Commons. Express Acts of Parliament have been passed by which lands under certain conditions have been ceded to private individuals or public companies; for instance, the colonies of Western Australia, Southern Australia, and New Zealand, but no such right of gift has

prising. What is the most extraordinary portion of the system, is, that the Government surveyors have been permitted to measure their own land, either granted or purchased—and in a large grant, a few hundred acres more or less, is of trifling import; it would be invidious to point out any one individual as having so done, when the system to this day is general.”—*History of Colonel Arthur's Administration*, 1836.

ever been deputed by the Imperial Parliament to any individuals by the means of which the territories of New South Wales, Victoria, or Van Diemen's Land, could be given away or granted under any circumstances. The power of locating to settlers has hitherto been in the hands of the Governors for the time being, these have been appointed by the Crown: and supposing that in their several commissions, express clauses had been inserted to allow them to transfer or grant land, still that right to do so would have been improperly given. The commissions of the Governors did not however contain such authority—they could not, because the power could not be given—for Her Majesty herself has no more legal right to transfer or grant an acre of land in New South Wales or Van Diemen's Land, or in any other colony, to a subject, than she has a right to give or grant an acre in St. James' Park—both are the property of the nation. There are it is true some half-dozen, perhaps a dozen, valid grants in New South Wales and Van Diemen's Land, that is, such as have been sanctioned by the Imperial Parliament and the Crown, otherwise the holdings are altogether invalid, unless under the statute of 21 James I., cap. 14, the parties in possession have maintained an undisputed right from the Crown for more than twenty-one years. It is true there is no probability that the Government will ever revoke the grants that have hitherto been issued, but, nevertheless, all things considered, it would be most desirable that an Act of Parliament should be passed, sanctioning all those that have been delivered by the Governors: and also where grants have not been issued, allowing them to be made out to all holders of land who can prove the twenty-one years' possession: provided that fraud has not been practised, and that the land has been marked off in the books of the Survey Office as having been ceded by the Crown.

In suggesting that grants should be passed under such circumstances it is necessary to explain that land was formerly almost valueless, and that little attention was then paid to the preservation of the documents giving authority to locate; that frequently the Governors gave permission without issuing any forms whatever, and that many of the "location orders" have been lost or accidentally destroyed. There are now persons holding possession of land to which they are in fact justly entitled, who have no documentary evidence of their right; the Crown does not dispute their titles, nor deny having at one time or other located the land to individuals, whom the present holders represent. The local Government in 1840 passed a law abrogating the statute of James, but the enactment was cancelled by orders from home; therefore, according to the law as it now stands, the possession for the twenty-one years proves the right, and consequently the granting deeds, by which that right may be clearly admitted by the Crown, is but an act of common justice. The issuing such grants would not, or rather ought not to be any bar in equity, when the suit may be brought by individual claimants to the right of the property.

The Crown lands of the Australasian colonies are now disposed of under the provisions of the Australian Land Act, 5 & 6 Vic., c. 36. This enactment includes New South Wales, Victoria, South Australia, Western Australia, Van Diemen's Land, and New Zealand, but the two latter colonies have been withdrawn from the operations of the bill by a subsequent enactment*. In discussing the present subject it will therefore be necessary first to refer to regulations in force on the Continent; and secondly, to those in Van Diemen's Land; and lastly, to the system adopted in the newly-formed settlement of Canterbury.

* 8 & 9 Vic., c. 95, Aug. 1845; and 9 & 10 Vic., c. 104, 1846.

Under the 9 & 10 Vic., c. 104, it may be as well to observe that the "*Crown is empowered to grant leases and licences of occupation for any term not exceeding fourteen years, of any of the waste lands in New South Wales, Victoria, South Australia, and Western Australia;*" in other words, the Governors of the various settlements can *in the name of Her Majesty*, and with her consent, grant squatting or depasturing licences. All lands on the Continent are to be sold, and the minimum price is fixed at one pound per acre; the Home Government has the power to advance the minimum by proclamation, but not to reduce it; so that what naturally occurs to the consideration of every intending emigrant is, whether it will be more advisable to purchase or to rent land of the Government for the term of years stipulated. Generally speaking, the minimum price being one pound per acre, it is perfectly prohibitory; there may be some situations worth double, quadruple that amount, but the great mass of country, if saleable at all, will not realise anything approaching thereto; very few will lay out their money in purchasing sheep-runs in the distant interior when they can *rent* on such favourable terms as are now offered in the colonies. The Home Government may perhaps fancy it practicable to increase the amount of the depasturing licences, but if such were attempted the squatters would probably retain their land without paying any rent whatever, and from the positions of the stations, and many other circumstances quite unnecessary here to mention, the Government could not by any possible means enforce payment; the local authorities if they thought proper might send an armed party for the purpose of destroying a squatter's hut, but in that case the hutless bushman would only proceed a little further out of harm's way, and build another. The fact is, that people in England have very little idea of what the bush really is, and the

difficulty there is in arriving at stations "beyond the boundaries," and in enforcing regulations among squatters that may be said to be "beyond the laws."

The land sold by the Government is to be disposed of in the colonies, and must have been once at least, exposed to public auction. Supposing, therefore, an emigrant in his rambles should discover a fine tract of country all ready cleared for his plough, his good fortune and perseverance are not to entitle him to a preference, for any one who thinks proper may outbid him, but if his selection be worthless, no one will choose to interfere, and he then may have the land at the minimum price. The town and suburban lots must be disposed of at public auction, and not as in the case of country sections which may be selected at the minimum price after they have been put up and not sold; all country lands will be disposed of in lots, not exceeding one square mile in extent. In South Australia, the Governor has for the present ceased to sanction the selling of public lands, otherwise than by auction, and in lots of *moderate* size.

"Persons will be at liberty to make payments for colonial lands in this country, for which they will receive an order for credit to the same amount in any purchase of land they may effect in the colony. The deposits must be made in one or more sums of £.100 each at the Bank of England, to the account of the Colonial Land and Emigration Commissioners; and the depositor must state at the time the colony in which the land is to be selected, and give notice to the Commissioners of the deposit. Upon production of the Bank's receipt for the money, the Commissioners will furnish the depositor with a certificate, stating the amount which he has paid, and entitling him to obtain credit for that sum in any purchase which he may effect in the colony, subject to all rules and regulations in force in the colony at the time such purchase may be made there. For every sum of £.100 deposited as above, the depositor will be entitled, for six months from the date of payment, to name a number of properly qualified emigrants, equal to five adults, for a free passage. Two

children between one and fourteen are to be reckoned as equal to one adult. The emigrants are required to be chosen from the class of mechanics and handicraftsmen, agricultural labourers, or domestic servants, and must be going out with the intention to work for wages."

This is decidedly a good plan, and would be advantageous were the scale sufficiently liberal. If land were rated, as it formerly was, at five shillings the acre, and if each depositor of £.100 in the manner described could nominate ten emigrants, then the effect would be, in all probability, to cause capitalists with qualified servants to migrate; as it is, the monied man will keep his cash, and wisely take it with him, and become a lessee instead of a land-owner, and the money he would have expended on "dirty acres" he will, by purchasing sheep, convert into pure wool.

With regard to Van Diemen's Land, it having been represented to the Government that labour was plentiful in the colony, and that small capitalists were the class of emigrants most required, very considerable encouragement has been offered to those who will migrate under the regulations. The object was no doubt to benefit the colony, but there are hindrances, evidently unknown to the authorities in England which prevent these good intentions being carried into effect. The Government notice, dated 27th August, 1849, states that persons depositing money to the account of the Colonial Land Emigration Commissioners at the Bank of England, are to have free passages for themselves, families, and servants, to the same extent as their deposits, and the amount so paid is likewise to be deducted from the cost of any Crown land they may purchase after their arrival in the colony; in further addition, all such parties are to be allowed by the local government, labour or materials for building and clearing to the extent of half the amount of the money paid. A deposit of £.100

will entitle the party to two cabin passages at £.50 each, or four intermediate of £.25, or five of steerage at £.20, the Government paying the passage. Thus the deposit of the £.100 is intended to be converted into £.250. All this is certainly showing a determination on the part of the Government to assist the migration of capitalists, but what follows, proves that the true state of affairs of the colony, is not fully comprehended. Thus the regulations set forth that "assistance will be directed to the preparation of land " and houses for the settlers, so as to mitigate the difficulties of a first settlement. For this purpose, the " Lieutenant-Governor will be directed to prepare a portion of the Crown Estates for immediate occupation, and " the land so prepared will be open to settlers going out " under the present regulations."

Now where on earth can the Lieut.-Governor of Van Diemen's Land prepare portions of Crown estates for immediate occupation of new emigrants; it will shortly be seen that the Governor has not an inch of available Crown land at his command. Then, if so, how is it possible that the following intentions can be carried out?

" In the event of a considerable number of emigrants proceeding to the colony together, the Lieutenant-Governor would be instructed to make arrangements for preparing a sufficient quantity of land to enable them to settle in a body, and for constructing their houses near each other. And if such a body were accompanied by their clergyman, a free passage would be provided for him, and assistance would likewise be given them, calculated with reference to their private contributions towards the erection of a place of worship and of a school. And further, the privileges in respect to passages would in such a case be extended to the older members of the community also, provided they were accompanied by younger members of their family who might be able and willing to support them."

In addition to the deposits made for the purpose of passage money, the purchase of land, &c., it is necessary to pay to the Commissioners' account £.20 for each statute

adult. This sum is to be returned to the emigrants on arriving in the colony. The object of this payment is to show that the parties on arrival have sufficient "means of supporting themselves until they can raise a crop." Raise a crop, indeed!—how, when and where?

There are in the police districts 14,412,892 acres. Of this quantity*, nearly three millions have been granted to settlers, and about one million and a half have been leased under depasturing licences,—in all, say four and a half millions are under occupation. In the year 1846, there were only 336,000 acres leased, returning a rental of about £.5500 per annum. In 1847 the Lieutenant-Governor, finding the selling of land impracticable, on account of the high minimum price fixed, under the power vested in the Crown by the 9 & 10 Vic., c. 104, issued Government notices, that lands might be rented in lots of not less than 500, nor more than 5000, at the rate of one pound sterling for every hundred acres. The effect of this regulation was, that no less than 1,284,546 acres were located, and the land revenue increased from £.5549 to £.16,319 per annum. Had a somewhat similar plan been adopted in the first instance (instead of giving and selling the lands), rentals might now have produced a handsome revenue, which might have annually assisted emigration:—or the funds might have been appropriated to the Government expenditure.

No sooner were the new depasturing regulations promulgated, than the settlers eagerly seized upon the terms, and the consequence was, that every acre of available land, or such as might be so considered in the estimation of new settlers, was within twelve months leased to the various applicants for the term of *ten years certain*. The land

* The last official Land Returns, 1847, give 2,719,272 acres granted to settlers.—See *Wood's Van Diemen's Land Kalendar*.

located is chiefly that between the town of Launceston and the city of Hobart, and to the eastward. The westward is generally believed to be of inferior order, and the climate is cold, wet, and unsuitable for sheep farming. According to a report lately made, it would appear that nearly 300,000 acres of pasture lands have been discovered; and should it turn out that the soil is really available, the colonists will long before this have taken every inch of it under the depasturing terms above mentioned. (See Appendix, M.) Therefore, unless the Government dispose of the Church and other reserves, the emigrant on his arrival has little chance of purchasing. As to the labour that is to be allowed, or the materials to be given to the extent described, it follows, that if there is no land that can be prepared by the Government for the emigrants, no buildings or improvements can be effected; so that this promise becomes, as it were, a dead letter.

The Government cannot well break faith with the colonists, and resume the land leased for depasturing, because the leases expressly set forth that the land shall not be resumed before the expiration of the ten years, "unless required for public purposes; among which must be taken to be the construction of roads for the use of the public, or for obtaining access to Crown lands." In the event of the land being required for sale or for any public purposes, the Government can, at the expiration of each year, with three months notice, resume all or any part; but in so doing, improvements made must be paid for by the Government by means of arbitration, the locatee and the Government each naming an arbitrator, and these are to nominate an umpire. When land is so resumed, it is to be sold by auction, and in addition to the upset price of one pound per acre, the value of the improvements is to be added; and when sold, the party holding will then be paid

his claim, and required to give up possession ; but should the licensee become the purchaser, the transfer of the money will become unnecessary. Therefore it is clear that were the Government under any circumstances to resume the land, and cause it to be sold, if the acres were worth the one pound each to the new settler, they would unquestionably be worth more to the licensee, who has his stock already depasturing on the ground. So that were a settler under the new emigration plan to insist upon the Government selling, it could only be effected at the termination of the year's lease, and after three months notice. What with the time delayed in valuing the improvements and in advertising the sale, and the uncertainty of ultimately being enabled to purchase, it would not be worth the new emigrant's while to trouble himself about the matter. Besides, were he thus to compel a settler to become the purchaser of his own depasturing ground, and thus make him unnecessarily expend a considerable sum of money, he would not stand very high in the estimation of the colonists ; he would be merely considered as a troublesome interloper, and the less the people had to do with him, the better they would be satisfied.

Under all circumstances, land held under a depasturing licence, may be considered nearly as good a holding title as a new Crown grant, because the latter reserves all minerals, stone, soil, wood, water, &c., &c., with ingress and egress whenever required. The old grants were different in this respect ; they gave up all right, whereas those of modern times actually reserve everything, and render the holder a tenant at will. Perhaps it was owing to the fact of the Governors not having power to grant land, that, in the first instance, induced this caution.

The north-western portion of Van Diemen's Land belongs to the Van Diemen's Land Agricultural Company,

and a considerable portion of their land is of excellent quality. A little government is formed at the chief station, Stanley Circular Head, which place is reckoned part of the port of Launceston. This establishment for very many years was in a declining state, but of late the affairs have been better managed, and there appears every prospect of favourable results. The company leases land for a term of years at moderate rentals, the tenants being allowed to select such locations as are marked out, the rental for which is paid by produce grown on the soil. The last report states that allotments were being leased at about five shillings per acre; and as the tenants only select the most valuable soils, the price is very trifling. The best proof, however, that the prospects are favourable, is the fact, that many of the colonists of Van Diemen's Land prefer becoming tenants of the company, rather than being landholders, even under the low rental depasturing licence system. There is at present a tenantry population of not less than eight hundred souls, and the company have dependent on them about one hundred more. The tenants have the option of purchasing their farms whenever they may think proper, the stipulated price being £.2 per acre, —the title a grant from the Crown, with a conveyance from the authorised agent. The lessee, under these circumstances, has the advantage of experiencing whether the land is likely to be suitable *before* he expends his money. The company are desirous of becoming landlords, rather than farming their own estates; and as they have produced sufficient stock to supply their tenants with, it is no longer desirable for them to continue agricultural pursuits on their own account. The tenantry have under crop upwards of 2500 acres, and the company about 1200 acres laid down in English grasses. It is somewhat surprising that free emigration has not been carried on to Circular Head,

all those sent out by the company having been indentured servants for their own establishment. The tenantry is composed of the free settlers, and some few of the company's servants whose terms of service have expired*.

In New Zealand for what are called rural lands, the upset price is £.2 per acre, and small blocks of twenty-five acres may be selected. As regards Canterbury, the new settlement at Banks' Straits, the price of rural land is fixed at £.3 per acre—of this, one-sixth goes to the land fund; another sixth for miscellaneous expenses; two-sixths for religious and educational purposes, and the remaining two-sixths for the emigration of labourers. Why land in the new settlement in New Zealand is worth on an average £.3 an acre, and the pick of the land in the colonies of Australia only worth twenty shillings, appears a problem not easily solved by those possessing local knowledge respecting the capabilities of the several settlements.

* According to an advertisement of the Company's agent, dated Circular Head, June 1842, the following terms are set forth. The leases then granted have now expired. As the value of produce has since then been considerably reduced in price, it consequently cannot be expected that the Company would continue to give such exorbitant rates, their present terms are, however, most liberal:—

"In addition to other advantages, they are prepared to hold out that of a market on the spot, to their tenants, and offer to take all the produce grown by them for the ensuing seven years, at the following prices, on delivery at their stores at Emu Bay and Circular Head:—viz., black potatoes, five guineas per ton, other qualities four pound ten shillings. Wheat, seven shillings per bushel, of sixty pounds; Barley, English, six shillings, and Cape, four shillings per bushel, of fifty pounds; Oats, four shillings per bushel, of forty pounds.

"A vessel belonging to the Company leaves Launceston once a month for Emu Bay and Circular Head. Free passages to and from either of those places, may be obtained by persons desirous of inspecting the land advertised."

CHAPTER XIV.

DESCRIPTION OF ABORIGINES AND THEIR HABITS—POLICY ADOPTED
TOWARDS THEM—TRIALS IN THE SUPREME COURT—EXECUTION
OF THE BLACKS—DEMARKATION PROCLAMATION—MARTIAL LAW
PROCLAIMED—THE BLACK LINE.

BEFORE closing this work, it would be desirable to devote a few pages to the history of the Aborigines of Van Diemen's Land, and thus record the lamentable fate of that unfortunate race of human beings. It is not intended to offer any problematical theories, relative to their origin, nor to attempt tracing their probable connection, in former times, with the blacks of New South Wales, but merely to lay before the reader such facts of history, relating to them, as are well known to all the elder colonists. On our taking possession of the island in 1803, it is estimated that the Aboriginal population amounted in number to nearly twenty thousand. It has been explained that, on the first settlement being made, at Restdown or Risdon, the natives appeared willing to be on friendly terms with the new colonists; but the unfortunate affair, wherein the military were called into action against them, had the effect of proving to them, that little mercy was to be expected from the invaders of their country.

Perhaps, of all creatures that wear the human form, the

Aborigines of Van Diemen's Land may, according to the European standard in these matters, be justly placed in the lowest scale : their complexions black as that of the negro ; their hair matted with grease and coloured clay, and their features extremely disagreeable. They were of wandering habits, yet they seldom advanced beyond the boundaries, which marked their own respective possessions—their place of encampment depended on the food they had procured in hunting or fishing, as it was their custom to make their sojourn where they obtained their prey and took their last meal. Their huts, if they may be so called, were composed of the same kind of break-winds now usually constructed by squatters, when on their journeys. The ordinary food of the tribes, that dwelt in the interior, was kangaroos, opossums, or, in fact, any animals they could capture ; those near the sea shores, lived almost entirely upon fish—all of them, were particularly fond of the flesh of the deadly snakes and the guanna ; they broiled their food on the fire, and ate it in the half-cooked state. The wood grub was, to them, a great delicacy : and, at certain seasons, they procured, in great abundance, what is called the native bread, a kind of truffle, and which is occasionally found by the settlers when turning up new ground ; in flavour, it somewhat resembles the yam. Those who suffered most from their warfare, and were, consequently, likely to attribute to them their worst propensities, never charged them with cannibalism. They always made very small fires, and, from a peculiar art in laying the sticks, the smoke in calm weather would rise like a coiling pillar ; few, if any, of the whites could imitate them in this respect, and native fires were, at all times, easily distinguished from those of bushrangers or settlers exploring or hunting. They procured fire from the friction of a stick, rapidly

moved between the palms of their hands, with the point bedded in a piece of soft bark; but, as it was difficult at times to obtain fire by this means, more especially in wet weather, they generally, in their peregrinations, carried with them a fire-stick, lighted at their last encampment.

They were extremely dexterous in the use of the spear, a straight stick, varying in length from five to eight feet, usually made of curri-john or the tea-tree, with the bark scraped off, and pointed at the thickest end; in throwing these to a considerable distance, or in using them when spearing fish in the water, they seldom missed the object aimed at*. Their waddy, or quarter-staff, was the usual weapon, when in close contact; this consisted of a heavy piece of wood, two feet in length, and about an inch in diameter at the thickest end: these they would throw with considerable force and extraordinary dexterity: it was with

* The expertness and agility of these poor people, in their peculiar way, is indeed astonishing. Peletegu, the chief, lately apprehended at the Shannon, who is now in the Hobart Town gaol, displays the most perfect good humour and cheerfulness; and for a small reward of sugar, or other desirable food, will sing and dance to entertain the donor. He has a method of clapping the palms of his hands and soles of his feet simultaneously on the ground, and immediately making his frame bound in a perpendicular position four or five feet in the air, and then dancing and singing round and round in a rotatory motion. He, yesterday, took up an old broom-stick, which lay in the gaol yard, and standing at a distance of about twelve yards, threw it in the manner of casting a spear, right through a small hole which had been accidentally made in the side of the sentry-box, and this, at the very first trial, although the orifice was scarcely half an inch larger in diameter than the stick that passed through it. At another time, taking up a small bit of lath, which some gentlemen trying to throw, could not cast, with all their efforts, half the distance, he struck it directly through and through the middle of a hat set up about thirty yards off.—*Hobart Town Courier*.

the waddy that they usually procured their food, casting it at the animal when at full speed. If any quarrel took place among the men of the same tribe, it was the waddy that decided their affairs of honour; and it is a well-known fact, that the skulls of these Aborigines were very much thicker than those of Europeans, and they had need so to have been, to receive the blows they did; sometimes they would appear heavy enough to fell an ox. Though forbidding in appearance, they occasionally afforded sufficient proof that their intellectual powers were of no mean order; they were naturally very keen sighted, agile in their movements, and their sense of hearing and smelling remarkably acute. They were much attached to their "gins" or wives, and treated them kindly, and they were equally fond of their "piccaninnies" or young children. The females, as is the case among most savages, did what little drudgery there was to be performed—such as carrying the children, or any articles belonging to them. The corrobory, or native dance, was their favourite pastime, and seemed to excite them considerably:—indeed it is very much to be questioned whether this amusement was not quite as exhilarating to them as the schottische and polka are to the dancing folks in England. It was, certainly, a joyous sight to witness these children of nature performing their amatory and warlike dances, to the tune of a monotonous yet expressive song and chorus, in which old and young took part. Unquestionably, these savages were, in one respect, wiser than the generations of Europe; they never kept late hours, for no sooner was the sun down than they huddled round their fires and went to sleep. They, invariably associated in tribes or families, each with its chief or leader. They are said to have had no religious ceremonies, yet they feared an evil spirit of darkness, and after sun-set,

could seldom be induced to wander from their encampments: they never, under any circumstances, travelled during the night. Ever after the arrival of the English, they were at war with each other—tribe against tribe; and this was owing to their having been forced to trespass on each others hunting grounds, being driven from their own by the white population. Some of the tribes were much more ferocious than others—the greater number were remarkably quiet and tractable.

It should be remembered that these Aborigines exhibited man as nature formed him, unwrought upon by civilisation—unpolished by the influence of the arts and sciences—unformed, unmoulded, into anything like shape of mind. In this riot of wildness, favourable in its very existence to the display of our worst attributes, and to the concealment of our better ones, how have they been treated? Worse than dogs, or even beasts of prey—hunted from place to place—shot—their families torn from them—the mother snatched from her children, to become the victim of the lust and cruelty of their civilised Christian neighbours!

Colonel Arthur, a few months after his arrival, issued a proclamation, (dated 23rd June, 1824,) intimating that he had received instructions from the Home Government, and also from the Governor-in-chief of New South Wales, commanding him to make it known to the settlers, that the Aborigines were to be considered as being under the British protection, and the proclamation announcing this mercy, sets forth—

“ These instructions renders it no less the duty than it is the disposition of His Honour, the Lieutenant-Governor, to support and encourage all measures which may tend to conciliate and civilise the natives of this island; and to forbid and prevent, and when perpetrated, to punish any ill-treatment towards them. The natives of this

island, being under the protection of the same laws which protect the settlers, every violation of those laws, in the persons or property of the natives, shall be visited with the same punishment as though committed on the person or property of any settler. His Honour, the Lieutenant-Governor, therefore declares thus publicly his determination, that if, after the promulgation of this proclamation, any person or persons shall be charged with firing at, killing, or committing any act of outrage or aggression on the native people, they shall be prosecuted for the same before the Supreme Court."

This would have been all very well, had there been any means by which these kind intentions could have been made known to the hostile tribes: and had there been some method by which those poor creatures could have explained their grievances, and obtained redress, for the numerous wrongs they were suffering; as it was, the proclamation was a mere waste of idle words—the evil was then becoming too deeply rooted, and a war of extermination had commenced. Whenever one of the inimical natives could waylay a settler, he speared him as a common enemy to his race; and, on all occasions, when the armed stock-keeper had an opportunity, he invariably shot at the sable Aborigines, and not unfrequently destroyed, by mistake, those of the tribes that were on friendly terms with the English.

Probably the most inimical of the blacks was an Aboriginal of New South Wales. This man had been transported from Sydney, and was employed in Van Diemen's Land as a stock-keeper, and from that situation was taken by the Government, to assist in the capturing of the bushrangers. By the means of his power of following the trails, he was instrumental in bringing to justice many of the most notorious of these marauders; but no sooner had he effected this public good, than the prisoner population insulted and jeered him, for the services he had rendered society. Such a life to so wild a creature was insufferable—he took to the

bush, and became the leader of a mob he himself collected among the very worst and most desperate of the blacks. With these he wandered into the interior, and it is said he intended to lead a life of tranquillity, and in due time to become a chief of the tribe he had thus formed. The stock-keepers, however, persecuted him and his followers: frequently they had desperate conflicts with them, killing some, and carrying away their "gins." Musquito's party became still most desperate, in consequence of these aggravations, and hunted about as they were, at length they seemed to exist, but for revenge.

One of the most serious accusations made against the Aborigines, is their mode of warfare; it is urged that they made no distinction of persons—that those individuals who treated them with kindness, suffered by their revenge equally with their enemies; but is not this accounted for when the white population made no difference with them? Whether the man standing before the loaded musket of the settler, was one of peaceable disposition, or a hostile warrior, mattered not—each and every one was massacred when opportunity offered.

In December 1824, two Aborigines were brought to trial before the Supreme Court, charged with murder. One was Musquito, the other was an Aborigine of the colony, nick-named "Black Jack." The former had been made acquainted with English manners, but not with English laws. He had been accustomed to frequent the outskirts of Sydney, and in his intercourse with the whites had contrived to pick up some few score of English sentences, which formed all his vocabulary. Black Jack was even more ignorant; this man scarcely knew half-a-dozen English words, and the whole of these were most horrid imprecations, taught him by the bushrangers and stock-keepers,

with whom he had, in former times, had occasional intercourse*. These men were placed at the bar, to be tried for their lives. There was the learned Attorney-General, pressing, as in duty bound, the conviction of the offenders against laws brought by the invaders to the country; and on the bench sat a Judge to administer impartially these laws, which neither Musquito nor Black Jack comprehended. Convict witnesses were brought forward, and their evidence was taken and believed, because it was sworn to; and yet these poor, perhaps guilty creatures of the crime imputed to them (which to them was no crime, but retaliation), were called upon for their defence;—they had none to offer, or if they had, there were not any means by which they could make themselves understood. What mockery! The wretched prisoners were not aware of one tittle of evidence adduced against them, were totally ignorant of having committed crime, and knew not why or wherefore they were placed in the criminal's dock, and so many eyes fixed upon them. Musquito† was found guilty of "Wilful Mur-

* Perhaps, taken collectively, the sable natives of this colony are the most peaceable creatures in the universe. Certainly they have never committed any acts of cruelty, or even resisted the whites, unless when insufferably goaded by provocation. The only tribe that has done any mischief were corrupted by Musquito, a Sydney black, who with much and perverted cunning, taught them a portion of his own villainy, and incited them, after a time, to join in his delinquencies.—*Hobart Town Gazette*, 1824.

† Musquito, in conversation with Mr. Bisdee, the gaoler, and some other persons, after his sentence, said, "Hanging no good for black fellow."

Mr. Bisdee.—"Why not as good for black fellow as for white fellow, if he kills a man?"

Musquito.—"Very good for white fellow, for he used to it."—*Administration of the Government by Colonel Arthur*, 1836.

der," and Black Jack "Not Guilty." They were again, the same day, put on their trial for aiding and abetting in the wilful murder of an Otaheitean, named Mammoa, and both were acquitted. A couple of months afterwards, Black Jack was tried for the murder of Patrick Macarthy, a stock-keeper, at Sorell Plains. On this occasion he was found guilty, and, with Musquito, and six bushrangers, suffered death on the 24th February, 1825. The execution of the Aboriginal of the island, as might reasonably have been anticipated, only tended to widen, if possible, the breach then existing. But if what occurred in 1825 was impolitic, what can be said of that which took place in May 1826, when two Aborigines, named Jack and Dick, were brought before the Supreme Court, charged with murder? Very much difference of opinion having existed as to the legality of the trial of Black Jack, greater caution was taken on this occasion—there had been more time for serious deliberation. The Judge, his honour, John Lewis Pedder, appointed counsel to protect their interests, and arrange their defence, and this time an interpreter was employed to inform them of what was going forward. The public press was loudly censuring the Government for the proceedings, and the authorities were charged with a manifest desire of destroying these inoffensive creatures. It was considered a mere mockery of justice, placing warriors on their trial for murder, when they were only defending themselves from the attacks of the men who were about to become judges in their own cause. When Jack and Dick were placed in the dock, the evidence adduced against them was entirely that obtained from convict stock-keepers. These ruffians were the greatest enemies the natives had to contend with, and they were most inveterate against the Aborigines. Such witnesses would, by law, have been incapaci-

tated from giving evidence in any court in England, yet, in Van Diemen's Land, they were not only allowed to be heard, but their testimony was credited by a military jury of seven British officers, who acted as the peers of these unfortunate men. The verdict returned was guilty, against both, and in spite of all the remonstrances of the serious thinking portion of the colonists, these prisoners of war were executed, with four doubly-convicted felons. The elder, Dick, after he had received the sacrament, screamed out most bitterly; and, notwithstanding he could well have ascended the ladder, he refused to do so, and was carried up to the gallows by the executioner. Being placed on the platform, he would not stand upright, and a stool was brought, upon which he was placed; it dropped with him when the awful moment arrived which hastened these poor creatures into eternity—there to discover whether a warfare in defending their soil from the spoilers, and their females and children from outrage and destruction, were or were not crimes in the estimation of the Almighty Creator of all men. The younger sufferer was apparently a mild inoffensive lad who, whilst in gaol, would talk to any one in the most friendly manner, and laughed and joked with those that noticed him. He denied having had anything to do with the affair for which he had been tried, asserted that he was not even present when it occurred, and so he persisted to the termination of life. He was not aware of the awful doom that awaited him, until he was by force compelled to mount the scaffold. The poor lad died very hard—the rope which tied his arms slipped to the elbows, he reached his hands to his neck, and a deluge of blood came from his mouth.

It would appear from a Government notice, issued on the very day on which the execution of these unfortunate men

took place, that the conduct of the Government required some vindication. The document set forth, that it was hoped the execution of these men, would not only prevent the commission of atrocities by the Aborigines, but also induce towards them the observance of a conciliating line of conduct, rather than harsh or violent treatment. Whether the execution of a couple of simple creatures, under the circumstances narrated, was likely to conciliate the hostile tribes, even if they could be made acquainted with the reasons which induced the ruling powers to adopt such measures:—or whether the sacrificing the lives of two blacks would be likely to induce kindness, on the part of the whites, to those who remained, cannot now be determined; but it was always considered that the above notice was not intended so much for the colonists as it was for the perusal of the home authorities. Supposing, however, an account of the public execution could have been communicated to the various hostile tribes, and the reason why the lives were sacrificed explained, still the natives could come to no other conclusion than that the death of their companions was but deliberate murder. To have fallen by a musket ball in the heat of conflict, or to have been pierced by the spear of an open enemy, would to them have been considered the fate of war; but to be deliberately taken upon a scaffold, and there inhumanly put to death in the presence of numbers of people, whom they were then not endeavouring to injure, was beyond their comprehension. They could not regard such proceedings otherwise than as cruel torture, for when they revenged themselves upon their enemies, they destroyed life as speedily as possible, never inflicting unnecessary pain. From this period, all friendly intercourse was at an end—the few natives that had been in the habit of visiting the settlers occasionally, were seen

no more as friends, but all seemed bent upon the one common cause of revenge.

It is deeply to be regretted that these men suffered—if example were advisable to prove to them that they were alike to be protected and to be amenable to British laws, why destroy them? Why was not justice, in the first instance, administered on some of the human monsters who were the constant aggressors, and who might easily have been placed on their trial for murdering the natives. The practice was common, and known so to be. Some of the stock-keepers and others, absolutely hunted them down with their kangaroo dogs, and when capturing them, these wretches killed indiscriminately the men and children, and after brutal ill-treatment, destroyed also the women. One of the present magistrates of the colony, and therefore a person supposed by the local Government to be a respectable person, in passing a log in the bush, saw something move: he retraced his steps, and finding the object to be a native concealing himself, he deliberately presented his fowling-piece to the breast of the prostrate creature, and shot him dead. This and very many other like atrocities were openly talked about at the time they occurred, and yet not one instance is there on record of any white man being brought before the Supreme Court, and convicted of any offence against the Aborigines. The placing the natives under the protection of British laws, only entailed upon them the punishments that were to be awarded in the event of their infringing those laws, whereas they were not in anywise benefited by the enforcement of them for their own protection.

As years passed by, so did the terrors of the warfare increase. Few settlers would move from their dwellings without being armed, and the ploughmen and bullock-

drivers, when at work in the fields, carried loaded muskets; and few settlers would be found sufficiently venturous to hazard a walk in the bush, however well provided with defensive weapons. A settler might be passing along the main road, and numbers of spears and waddies would be flying about him, and yet not a native would be seen. These Aborigines had, and those of the continent of Australia still have, an extraordinary tact of concealing themselves—a whole tribe will suddenly disappear, and hide among the scrub, and as to finding them again until they please to show, it is more than Europeans can accomplish.

Things went on thus until 1828, when a Commission of Inquiry was instituted to examine into, and report upon all matters connected with the Aborigines, and, if possible, to point out some means by which the destructive warfare might be brought to a close; little good, however, resulted from the exertions of the Commissioners. Settlers would frequently unite in strong bodies, and scour the bush in the immediate neighbourhood of the towns, and bands of armed men, partly provided by the Government, and partly composed of the colonists, would make excursions in the woods, under the pretence of falling in with, and securing some of, the hostile tribes, but, generally, they destroyed instead of capturing.

It might not be amiss to mention one case of cruelty perpetrated, as a specimen of the conduct too frequently evinced towards them. A mob of some score of natives, men, women, and children, had been discovered by their fires, and a number of the colonists immediately armed themselves, and proceeded to the spot. They advanced unperceived, and were close to the blacks, when their dogs gave the alarm; the natives jumped up in a moment, and then was given the signal for slaughter, fire-arms were dis-

charged, and those poor wretches who could not hide themselves from the light thrown on their persons by their own fires, were all shot down. The writer shudders as he recollects the description given by an eye-witness. "One man," said he, "was shot, he sprang up, turned round like a whipping-top, and fell dead;—the party then went up to the fires, found a great number of waddies and spears, and an infant sprawling on the ground, which one of the party pitched into the fire."

Many plans were suggested to capture the natives, all of whom were now at war with the whites. Some proposed force; others recommended that they should be snared—but nothing definitive was attempted for some time afterwards.

The Demarkation Proclamation was issued in April 1828. This document intended, as it was said, to be for the information of the natives, as well as the white inhabitants, is somewhat amusing to read, more especially now that we are enabled to judge calmly of the past. The proclamation commences by referring to the first "general order" issued respecting the Aborigines, which was in the time of Governor Collins, (January 29, 1810,) wherein it was declared "that any person whatsoever, who should offer violence to a native, or should, in cold blood, murder, or cause any of them to be murdered, should, on proof being made of the same, be dealt with and proceeded against as if such violence had been offered, or murder committed on a civilised person." It then recites the proclamation of June 1824, issued by Colonel Arthur, a portion of which has been placed before the reader at page 349. The proclamation then sets forth that, subsequent to these Government notices and orders, the blacks perpetrated frequent and unprovoked outrages on the settlers, by committing wanton

murders, and "whereas shepherds, stock-keepers, and sealers, attack and injure the Aborigines without any authority," and the Aborigines "are daily evincing a growing spirit of hatred, outrage, and enmity against the subjects of his Majesty," it became necessary to allot certain specified tracts of land to the Aborigines for their exclusive benefit. After this strange preamble, it was proclaimed that military posts were stationed, and certain imaginary lines were determined, beyond which "*all natives were ordered to retire on pain of forcible expulsion therefrom, and such consequences as may be necessarily attendant on it.*" The worst of this sad mockery was, that the respective chiefs or leaders, if provided with passports under Colonel Arthur's hand and seal, might conduct their several tribes to the sea-coast at their usual time of migration.

"Nothing herein contained shall prevent the Aborigines from travelling annually (according to their custom) until their habits shall have been rendered more regular and settled, through the cultivated or occupied parts of the island to the sea-coast, in quest of shellfish for sustenance, on condition of their respective leaders being provided with a general passport under my hand and seal, arrangements for which, form a part of the intended negotiation.

"GEORGE ARTHUR."

This proclamation, purported to be printed to warn tribes of men who were ignorant of its meaning, and with whom there was no intercourse whatever. Any negotiation taking place between the Governor and the chiefs, in order to obtain the passports, must have had for prelude a shower of spears, and a volley of bullets. The proclamation was ridiculed by the inhabitants; they knew perfectly well that it would be of no avail to the blacks, because it was then utterly impossible to hold communication with them, or

even with any of the tribes that had formerly been on such friendly terms, and as to the demarkation line the natives were not to pass—not one settler in a hundred knew the boundaries that were intended*.

* An Aborigine, named Black Tom, a great favourite with the children of Hobart Town, read, in his way, a severe lesson to the Governor. Tom was, from infancy, brought up by one of the old hands, and went frequently with parties that were despatched into the bush to capture his sable brethren :

" The Lieutenant-Governor being desirous to make use of Tom, as a negotiator with the savages, questioned him very particularly, on the cause of the hostility of the Aborigines against the whites. The following dialogue took place, as reported by a by-stander :—

" Tom.—' A'nt your stock-keeper been a kill plenty black fellow ?

" Governor.—' But your countrymen kill people that never did them any harm—they even kill women and children.'

" Tom.—' Well, a'nt dat all same's white un ? A'nt he kill plenty black un, a woman, and little piccaninny too ?

" Governor.—' But you know, Tom, I want to be friendly and kind to them, yet they would spear me if they met me.'

" Tom (laughing).—' How he tell you make a friend along him ? A'nt he all a same a white'un ? 'Pose black un kill white fellow, a'nt you send all your soddier, all your constable after him ? You say, dat black a devil kill a nurra white man, go—catch it—kill it—a'nt he then kill all black fellow he see, all piccaninny too ? A'nt dat all same black fellow—a'nt you been a take him own kangaroo ground ? How den he like ?'

" Tom laughed most immoderately on hearing the proclamation read, particularly at the idea of the tribes applying for passports to travel through the settled districts.

" Tom says.—' You been a make a *proflamation*, ha ! ha ! ha ! I never see dat foolish—(meaning, I never saw anything so foolish.) When he see dat ? He can't read, who tell him ?'

" Governor.—' Can't you tell him, Tom ?'

" Tom.—' No ! me like see *you* tell him *yourself*, he very soon *spear me*.'

" The party to which Tom was attached, having met the Governor

Martial law was proclaimed in due form, and published in the "Hobart Town Official Gazette." Soon after the pro-

and his suite near the coast, on an excursion which His Excellency was making to the eastward, both parties encamped for a night at the same place. Tom was invited to the Governor's tent, when a dialogue to the following effect took place:—

"Governor.—'Well, Tom, do you think you will be able to find your countrymen, and persuade them to come in?'

"Tom.—'Can't tell, Mata Guberna, I try. 'Pose I see track, den I find him, and party catch it—den I bring him to Hobart Town.'

"Governor.—'Very well, Tom, you must do your best, and if you bring them in, I will reward you handsomely—besides giving you the whale boat which I promised you.' (It may be worthy of remark that Tom never got his boat.)

"Tom.—'Dat, very good, Mata Guberna! 'Pose I catch dat black un, what you do wid him?'

"Governor.—'I will make friends with them, Tom, and tell them that I have given all this part of the country (pointing out a line on a map), to themselves, where no white man will go near them; and if they want to go to the east coast, the magistrates will give them a pass, so that no white man will trouble them, and I will give them food and blankets.'

"Tom.—'Aye, dat very good. Mata Guberna, you take it all, him kangaroo ground yourself, gived him nurra mob kangaroo ground. 'Pose he walk dere, a'nt nurra mob make fight, you call it war, and kill him right out. You give it him blanket, bread, tell him walk about. Dat very good—by an by, pose he see you, den he spear you. I tell a you dat black un nebber make a friend along a you, he nebber take dat word from you (i. e. he will never take your word for that). Dat way nebber do.'

"Governor.—'Well, Tom, I will send them to Maria Island.'

"Here Tom burst out into a loud laugh. 'Riah Island!! I like a hear you talk dat b——y foolish—ha! ha! ha! A'nt he go dere himself come back again, often he like. I tell you dat, him own Wallaby ground—he make't catamaran, come back so soon as yourself. Dat way nebber do, Mata Guberna.'

"Governor.—'Well, Tom, I will put them in prison, and keep them there.'

mulgation of the Demarkation Proclamation, wholesale destruction of the natives followed under the pretext of driving them beyond the limits prescribed. Years have

"Tom here looked unutterable things. 'Put him in a gaol, Mata Guberna! You take it him own country, take it him black woman, kill't right out, all him litta' child—den you put him in your gaol. Ah, Mata Guberna, dat a very good way. 'Pose you like dat way—pose all same dat black un! I nebber like dat way. You better kill it right out.'

"Governor.—'Well, Tom, I will send them to one of the islands in Bass's Straits, and keep them there.' Tom inquired the distance from the main land, and whether there was game on the island, being satisfied of this, he continued—'You send him to dat hyland, and take't all him own country—what you give him for him own country?'

"Governor.—'I will give them food and blankets, and teach them to work.'

"Tom (laughing).—'You make't black un work! I nebber see dat, Mata Guberna.' Here Tom pointed to a fly that was on the table. 'You see dat man, Mata Guberna.'

"Governor.—'Yes, Tom, I see a fly.'

"Tom.—'Pose you tell dat man work—you tink he work for you?'

"Governor.—'No, Tom, I do not think he would.'

"Tom.—'Well, black un all same; he nebber see work, you nebber make dat black un work, he too d—m lazy.'

"Governor.—'Well, Tom, he can go and hunt, and come back when he likes, to get food and blankets, and I will send people to take care of the children, and teach them to work.'

"Tom.—'Aye, dat very good way, litta work by and by. I like dat way. Now I like catch all dat black un.'

"Tom next day set out with the party, and in a few days came up with a tribe which had been committing several outrages, and had recently speared a man at Malony's Sugar Loaf. The party captured Eumarrah, the chief of the Stoney Creek tribe, three men, and one woman, destroyed a great number of dogs, about 100 spears, and twice as many waddies. The natives had 36 pairs of blankets, which they had stolen, with a variety of cutlery, and other plunder."—*History of Colonel Arthur's Administration, 1836.*

passed since these events occurred, and now as regards these two celebrated documents, the reader cannot arrive at any other conclusion than that more absurd orders were never issued by any colonial Government belonging to Great Britain. Under the apparent pretext of charitable feelings towards these poor deluded, and perhaps, misguided creatures, were the utmost cruelties permitted. At first the tribes were robbed of their land and their food—their females taken from them, and violated; when, in return, they became desperate from treatment they could endure no longer—when they resisted the violation of their wives and daughters, they were destroyed; and when resenting these outrages committed upon them, they suffered death on the gallows! Nor did the shameful conduct of the colonists stop here; for a proclamation divided their country, and prescribed imaginary bounds, over which these ignorant creatures were not to step without a passport from the chief authority, on pain of forcible expulsion; and because they could not be made acquainted with the intentions of the authorities, a licence was given for their extermination.

The customary plan adopted towards them, after the passing of the martial law, was that of attempting to capture the chiefs of the warrior tribes. Numerous roving bands, composed partly of military and partly of convict constables, with one or more of the domesticated natives for guides, to run the trails when their tracks were fallen in with, were now sent in pursuit, and when they overtook the natives, these were either at once destroyed or taken prisoners, just according to the caprices of the pursuers.

The warfare continued with unabated virulence on both sides during the years 1828 and 1829. The blacks finding themselves unable to cope with the better armed

settlers, took the most effectual means in their power of injuring their enemies—whenever opportunity offered, they set fire to the dwellings, the fences, and the ripe-standing corn, and sometimes the persons residing in a hut would be all speared and everything destroyed by fire. It was, however, always questionable, whether these fearful incendiarisms were not in very many instances caused by some of the convicts, who took this means of revenging themselves for punishments they received, in consequence of the complaints of their masters.

Towards the termination of the year 1830, it was decided by the Government, that one simultaneous effort should be made to capture the whole of the Aborigines.

The great movement had been made a subject of newspaper discussion for some time previously to its operation; the Government papers, of course, supported the proposed undertaking, and commented on the practicability, as also on the policy of such a measure—but there were journals that described the attempt as a master-piece of absurdity. The whole island appeared in commotion during the months of September, October, and November; and the black war, and nothing but the black war, was the subject of general attention. A fresh declaration of martial law was gazetted on the 15th of October,—and about the same time, a general Government order issued, stating that the colonists were called upon *en masse*, to come forth, and capture the hostile tribes, and by one determined effort put an end to the *Guerilla* war which had been so harassing and murderous in its effect*. In the first week of

* The proclamation set forth that the natives had not been pursued or molested in any portions of the island apportioned to them, but that they had made repeated incursions upon the settled districts,

October, upwards of 3000 individuals were in the field: 550 persons, including about 50 of the troops were drafted from Launceston: about treble that number were raised in Hobarton, and the settlers of the interior altogether mustered about one thousand. Most of the young men in Government employ volunteered to join the troops in the interior, and the parties forming the "black line," composed as they were, of a curious melange of masters and servants, took their respective stations at the time appointed. As the numerous parties advanced, the line came gradually closer and closer together—the plan was to advance slowly towards Forestier peninsula, and thus frighten the Aborigines before them, and hem them in, so that their caption might be easily effected. In the absence of the military, the elder portion of the colonists, or those whose vocations would not allow them to join the roving parties, formed themselves into a militia corps, and undertook the duties of guarding the gaols—the battery, the Government stores, and public offices.

This grand military movement was at the time compared to a very large net being drawn across the Derwent, and the net at last gathered up in a small bay—of course *all* the fish in the river would be secured in the small bay—so thought the projectors of this scheme.

During the advance of the line, the despatches sent, and the general orders issued, on a small scale, resembled those

and then escaped into the excepted places. The fact is, that the part of the country that was uninhabited, was allotted to them, and as to retiring after perpetrating depredations, they did nothing of the kind, so desperate had they become, that none but armed parties, whose duty it was to scour the bush would even go in quest of them, and these seldom desired to fall in with them.

of the allied armies pending the last European war—in fact, everything was carried on, as if it were a great war in miniature: the reports—the gazetted proclamations of the advance of the lines—the stories told by the persons of their falling in with the natives, and so forth, kept the people alive, and caused a fund of amusement to such parties as were opposed to the movement. One day the troops were informed that large numbers of the natives were flying before them—then reports were circulated that some of the parties forming the cordon had gone over to the enemy—desperate encounters were spoken of as having taken place: frequent alarms were given, and detachments sent out to scour certain portions of the enclosed country, where native fires were said to have been seen; but most of these turned out to be false alarms. Several times at night the whole body of troops would be firing their muskets, expecting a rush from the natives before them: and one dark night, when some young men were hunting opossums, the report of their fowling-pieces was considered by the troops as a signal of distress—a rush to the supposed danger took place, and the utmost confusion prevailed. At another time several rounds of musketry were fired from the whole line, when ultimately it turned out that the cause of the alarm had been the black stump of a tree, at a little distance, which had been taken by one of the military for a native trying to pass the cordon. At length the anxiously expected hour for advancing arrived. The whole chain of posts moved forward simultaneously towards the new position, on the 18th November, and it was calculated that the extreme of the left wing would arrive at the mouth of the Sand-spit River, opposite Maria Island, on the evening of the 20th. The whole line then,

reaching in a westerly direction over the tier of hills, towards the Iron Creek at Pittwater, was shortened to less than half the extent which it formerly occupied, between Sorell and Prosser's Bay. Ten days after, an order was issued, that the long wished-for division of Captain Donaldson, would appear on the morrow : and fresh instructions were published. It is needless to go further into the particulars. The troops remained at the second station for some days, whilst about fifty scouring parties of ten men each, took the field before the line, for the purpose of driving the whole body of natives before them on the peninsula. The last position occupied about twenty miles, extending over some of the roughest ground in the colony, and had there been a hundred thousand natives before the line, every one could have passed at pleasure at almost any place without being seen by one of the militia troops. The scouring parties, after examining the enclosed country, advanced to the neck of the peninsula, where, being provided with one week's rations, they were ready to proceed on the peninsula, when intelligence was brought that the line had suddenly been abandoned, and the troops all marched on to Pittwater. The whole scheme proved a complete failure, as any reasonable man might have anticipated. The loss on the part of the troops amounted to five killed by accident, whilst but one prisoner of war, a boy, was brought as a trophy into Hobarton, and even this lad afterwards escaped into the bush. His Excellency, however, to finish the comedy in all due form, issued a Government order, thanking the colonists for their exertions. The "line," or "black line," as it is now commonly called by the colonists having turned out so completely futile, the Government had recourse to the

former plan of despatching parties with the native guides, in order to secure, if possible, the chief of the various tribes: and ultimately every black in the island was either destroyed or taken and removed to Flinders' Island. "At Flinders' Island there are now about eighty Aborigines. "These wild creatures live a life of indolence, occasionally hunting the kangaroo, or passing their time in their aboriginal customs. It is generally believed, that this race of human beings will soon become extinct altogether, as the deaths are common, and there is no increase. The exertions of Messrs. Robinson and Cotterell have been rewarded by various donations on the part of the Government, by subscriptions on the part of some of the districts, and by very flattering addresses of nearly the whole body of colonists. These exertions, however, have induced all to lament, that kindness and good treatment were not sooner tried as the means of ridding the colony of the destructive enemies, and that the European musket and the bayonet should so long have been allowed to instigate the natives to such fearful retaliation. The whole affair is now ended, and thousands of lives have been lost by hostile measures. It is, nevertheless, very easy to point out what plans *ought* to have been adopted; but it should be recollected, that when martial law was proclaimed, the colonists were suffering from the "*Guerilla*" war; and although the Aborigines may in most skirmishes have been worsted, still their depredations were harassing to the settlers, who considered themselves masters of the colony, and protected themselves accordingly. Nothing can be offered in extenuation of the conduct of the first colonists towards these bewildered creatures, and the historian must ever lament, that he has to record outrages so inhuman and so

"unjust on the part of a British community*."—(*Administration of the Government of Colonel Arthur, 1836.*)

The settlement of Flinders' Island was about three years since abandoned, and the remnants of the tribes removed nearer to Hobarton, and placed at a station expressly formed for them at Oyster Cove, D'Entrecasteaux's Channel. Now and then some of them are allowed to visit the

* It may not be irrelevant to occupy a few lines in recording the names of some of the chief leaders, sent by the Government to the settlement at the island; for, as in all probability, the race will become extinct in a few years, not only will these original possessors of the soil be no more, but their very names will be forgotten. The following is a list of the male Aborigines at Flinders' Island:—Worethetitilargener, Moulteerlargener, and Marenerlargener, the two former were chiefs of the Ben Lomond tribe. Teelapanner, Walenteerlooner, Panacooner, Wowie, Mackamee, and Calamaroweyne, belong to the Eastern tribe. Paroper, Nicermenic, Tymethic, Prerope, Pyntharyne, Peey, Toinchouc, Boobyluthic, Toindeburic, and Rowlapanner, are of the Western tribe. Toby Langta, Lamaima, Conapanny, and Packabanny, belong to the Oyster Bay tribe. Wymeric, a chief, and the only native of Cape Grim. The following have died since their transportation to the settlement:—Nickerumbaragener, Walnterlooner, Prerope (burnt), Cowndetabone, Timeateen, her husband and brother, Wymeric (burnt), and seven more of the Western tribe were burnt shortly afterwards; they were at the settlement but a short time. Three of Wild Mary's husbands, Kammy, who was formerly at Mr. Robinson's, at Hobart Town, the husband of the same woman, three orphan children, Wottycowyder's infant, Tobylangio's infant, three of Lamothic's brothers, Kitawa's mother, her brother, his wife and child, died in the space of twelve or fourteen days. The entire number of the Aborigines removed to Flinders' Island is 310—250 of which number were captured by Mr. Robinson. Some people say, the number on Flinders' Island now exceeds 100. Their removal to King's Island is talked of, as they are much dissatisfied with Flinders'.—*History of Van Diemen's Land, 1836.*

city, but their numbers are so reduced, and their habits so changed, that terrible as they formerly were in the estimation of the inhabitants, they are now only regarded with compassion. In October 1848, the official returns gave number of Aborigines, *thirteen* men, twenty-two women, five boys, and five girls—seven of the children are being educated at the Queen's Orphan School as a charge on the land fund. And these are all that remain of twenty thousand human beings!

APPENDIX.

A, (Page 52.)

THE intention of the Government, with regard to emigration to Western Australia, is to authorise the selection and transportation of convicts that have but short terms of punishment to undergo. There is, however, no intention at present to adopt the assignment system recommended. The convicts forwarded are to be employed upon public works, such as making roads, &c., and this is ordered so, that the prisoner labour shall not interfere with that of free emigrants;—for it is not contemplated to alter in any manner the free character of the colony. For every convict transported, one free labourer is to be sent to the settlement—the whole expenditure of maintaining the convicts, and furthering free emigration, is to be defrayed by the British Government. It will, in all probability, soon be discovered that the plan will not work well; where there are convicts, there will be required superintendents, overseers, and penitentiaries, of various kinds—in fact a little penal government, the expense of which would be very nearly as much for one thousand men as it would be for ten times that number. The assignment plan renders the master the superintendent and overseer of the prisoner, and so that there be one place provided expressly for the punishment of convicts, it is all that is necessary, under that system.

B, (Page 85.)

"Accounts have reached us this morning by the brig Dragon, from New Zealand, of the most distressing nature. It appears that the exertions of the missionaries have proved abortive—that cannibalism was carried on to the most dreadful degree, and that the internal war of the different tribes was raging with all the horrors so generally practised by a barbarous race of savages. The immense sacrifices of human life to the heathen gods was beyond conception—baskets full of human flesh, particularly that of young women, were trafficked about; indeed, so horrible are the accounts we have as yet heard, that we almost fear publishing them, lest they may appear too exaggerated."—*Colonial Times, Van Diemen's Land, Dec. 10, 1830.*

"The two chiefs agreed with the captain of a British brig, of 800 tons, (the name of which and the captain we forbear to mention,) that the ship should convey the Hecho, son of the Payie, and the Robulloh and their people from the northern island to the country of the Marinewie, Bank's Peninsula (now New Canterbury), where the war was to be carried on to utter extermination. There was a fine fleet of war canoes, with about one hundred picked warriors on board the English brig. The English captain described that the Payie and the Robulloh caused their people to be concealed on their arrival at Bank's harbour. The Marinewie went immediately on board the brig to negotiate for the trading, and the Marinewie demanded two double-guns by way of tribute to himself. The trade commenced, Marinewie confiding fully on the Englishman's honour. After he had been seated in the cabin a short time, the Hecho and the Robulloh jumped upon him, as did all their people upon all those who attended him on board. The scene which followed is too dreadful to describe. Under cover of night, the Robulloh and the Payie and their men landed, and succeeded in capturing the wife and daughter of the Marinewie—they sent them on board, and a work of death ensued utterly indescribable for the horrible cruelties which were perpetrated. The whole population of the place who did not escape were killed, except about fifty, reserved to be taken back. At day-light, the victors were seen actively employed in cutting up and preparing for the steam kettle the dead bodies of the slaughtered victims of the night. The crew of the vessel described the horrors they witnessed as beyond everything dreadful. The whole of the day was occupied in salting and packing

in baskets heads and bodies to be conveyed back. Among the victims was a fine young woman, near her accouchement, who was cut open, her unborn infant extracted, her head and part of her body salted, and the remainder in the presence of the captain, officers, and crew of a British ship, given to the pigs. Each basket contained a human being, and there were about a hundred baskets. During the passage back, the chieftain the Marinewie, and his wife, knowing the dreadful tortures that awaited them, strangled their own daughter; the captain then placed the Marinewie and his wife in irons, to prevent them destroying themselves. It was understood that after undergoing torture, the heart of the Marinewie should be sent to be eaten by the Hecho's mother, the widow of the Payie, who had been eaten by the Marinewie, that the Robulloh should eat his brains—the Hecho his eyes—the Hecho's sister his tongue, and the rest of the body be sent as presents to the chiefs of the interior.”—See the *Tasmanian, Van Diemen's Land, Jan. 28, 1831*. The same paper gives the account of the war-feast and other matters relating thereto, even more disgusting.

C, (Page 159.)

Speaking of these unfortunate men, Sir William Denison says, in the despatch already referred to—

“ Unnatural crime has prevailed among them to some extent; but in every case where there was even a suspicion of such a practice having prevailed, the convict has been kept strictly separate from his fellows, and worked under special supervision; and by strict and close superintendence, separation at night, and the constant presence of a free overseer in the sleeping berths, I trust, by degrees, if not to eradicate this vice, yet at all events to render it much less frequent.”

It would, however, appear that the writer of the Downing Street despatches was aware of these facts, for the following passages are taken from the instructions to Sir William Denison.

“ *There has existed a fearful propensity among the convicts to the commission of unnatural crimes, which has been fostered by the con-*

gregation of so many persons of the same sex in one spot, without providing the proper means of separation and superintendence. A proper system of task work might also render the labour of the convicts more remunerative. But even if this could be accomplished, to the extent of rendering the maintenance of the convicts no burthen on the finances either of the mother country or of the colony, and if the effective demand for manual labour could be extended sufficiently to provide for the employment of upwards of 4000 convicts, who would be thrown annually into the colony, the worst of the evils which have resulted from the existing system would not be got rid of. The great disproportion, between the sexes would still exist, and the effects of that disproportion, as exhibited in the reports which have hitherto been received, horrible and disgusting as they are, must be expected to appear on a yet wider scale, and in forms (if that be possible) of still deeper malignity.

“ A separate cell *must be* provided for every prisoner at night, and during the night no communication *must be* allowed between them.

“ If it should be impracticable to provide separate cells for each prisoner, the same object might perhaps to a certain extent be attained by having long galleries, along one side of which should be placed the beds of the convicts, divided from each other by wooden partitions six or seven feet high, the other side of the gallery remaining clear from end to end. In dormitories of this kind, bedding fifty or sixty men, if lighted and watched by officers during the night, it seems to me possible that, by good management, the evils which have arisen from the indiscriminate herding together of convicts might be averted, and accommodation of this sort for a large number of prisoners might be provided much more quickly, and at a very much smaller expense, than properly constructed separate cells.

“ With the view of checking, as much as possible, the commission of those unnatural crimes, of which such a fearful account has been given, the men in their present dormitories should be separated by partitions made of strong bars of wood, reaching from floor to ceiling, or by planked partitions of less height, so as to allow a circulation of air above. The latter plan would, I think, be the best, if it should be found to afford sufficient ventilation for the purpose of health.

D, (Page 173.)

The "Launceston Examiner," a Van Diemen's Land Journal, thus quoted an advertisement from an Irish newspaper:—

"*Schoolmaster at home and the convict abroad.*—The following advertisement from an Irish paper, in contrast with an extract from our probation regulations, gives a text for a philosophical discourse on the fate of genius, and the forfeiture of crime. The advertisement—

"*Dungannon Union.*—Wanted, by the Board of Guardians of the Dungannon Union, a Schoolmaster, for the Workhouse School. *Character and testimonials must bear the strictest scrutiny.* Salary £.20 per annum, with apartments, coal, candle, and the following rations, *weekly* :—

- 2 oz. Tea.
- 12 oz. Sugar.
- 3½ lbs. Bread.
- 3½ quarts Sweet Milk.
- 3½ lbs. Oatmeal.
- 25 lbs. of Potatoes.

"Two sureties, in a joint bond for the sum of £.80, must be entered into.

"Geo. Moon,

"Clerk of the Union.

"Dungannon, March 14, 1846."

"The Irish schoolmaster, whose character must bear the 'strictest scrutiny,' and besides must find 'sureties,' for good conduct, seeks as a favour some twenty pounds per annum, with an allowance of rations, out of which we might defy the ingenuity of any English cook in Christendom to compound a satisfactory dinner. The convict—whether petty thief, burglar, or a respited murderer—becomes 'jolly' in the service of the Crown, or in private service is secured, with 'suitable lodging and bedding, and supplied with more

"The twelfth probation regulation—

"Masters will in every case be required to provide suitable lodging and bedding for their servants, without making any deduction from their wages on that account. They will also be required to supply their servants with a sufficient quantity of wholesome provisions and soap, according to the following scale of *daily* rations:—

- 1 lb. Meat.
- 1½ lbs. Bread, or
- 1 lb. Bread and
- 2 lbs. Vegetables.
- 1 oz. Sugar.
- 1 oz. Roasted Wheat. or
- ¼ oz. of Tea.
- ½ oz. Soap.
- ½ oz. Salt."

rations than any moderate man need consume. The lowest wages are nine pounds per annum. The schoolmaster has no meat, the convict 1 lb. daily; the schoolmaster has a half pound of bread, the convict a pound and a half. Such is life. Has genius over-stocked the market of learning, or is this the philanthropy of the times, all on the side of the unfortunate prisoners?"

E, (Page 196.)

"I have not yet touched on the subject of the female convicts. This, however, becomes a subject of much importance, when it is considered that the tendency to unnatural crime, fostered as it must be when numbers of one sex are congregated together, though checked by material obstacles, will, in all probability, break out when the convict is released from control and seeks its indulgence, unless some opportunity be afforded for legitimate sexual intercourse.

"I therefore propose to move the Secretary of State for the Home Department to direct that all female convicts should be sent to Van Diemen's Land. Proper buildings must be erected there for their reception, *and a strict system of separation should be adopted with them at first, as with male convicts.* But that strictness should gradually be relaxed, *passing from the separate to the silent system,* and from that to a more unrestricted intercourse."—*Instructions to Sir William Denison, 1847.*

F, (Page 213.)

"The Rev. Mr. Conolly, who attended this unfortunate man, addressed the crowd assembled around the scaffold, a few minutes before the fatal drop was let to fall, in words to the following effect:—

"He commenced by stating that Pearce, standing on the awful entrance into eternity on which he was placed, was desirous to make the most public acknowledgment of his guilt, in order to humble himself as much as possible in the sight of God and man; that

to prevent any embarrassment which might attend Pearce in personally expressing himself he had requested and directed him to say, that he committed the murder under the following circumstances:—

“ Having been arrested here after his escape from Macquarie Harbour, Pearce was sent back to that settlement, where the deceased (Cox) and he worked together in the same gang. Cox constantly entreated him to run away with him from that settlement, which he refused to do for a length of time. Cox having procured fish hooks, a knife, and some burnt rag for tinder, he at last agreed to go with him; to which he was most powerfully induced by the apprehension of corporal punishment for the loss of a shirt that had been stolen from him. From the first and second day they strayed through the forest; on the third made the beach, and travelled towards Port Dalrymple until the fifth, when they arrived at King's River. They remained for three or four days in an adjoining wood, to avoid soldiers, who were in pursuit of them, and were all the time, from the period they started without a morsel to eat. Overcome by famine, Pearce determined to take Cox's life, which he effected by the stroke of an axe while Cox was sleeping. Soon after the soldiers had departed, Pearce occupied the place they had been in, where he remained a day and a night, living on the mutilated remains of Cox; he returned to the settlement, made signal, and was taken up by the pilot, who conveyed him to Macquarie Harbour, where he disclosed to the Commandant what he had done, being weary of life, and willing to die for the misfortunes and atrocities into which he had fallen.

“ The Rev. Gentleman then proceeded to state that he believed it was in the recollection of every one present, that eight men had made their escape last year from Macquarie Harbour. All these, except Pearce, who was of the party, soon perished or were destroyed by the hands of their companions.

“ To set the public right respecting their fate, Pearce is desirous to state that this party, consisting of himself, Matthew Travers, Bob Greenhill, Bill Cornelius, Alexander Dalton, John Matthews, and two more, named Bodnam, and Brown, escaped from Macquarie Harbour in two boats, taking with them what provision the coal miners had, which afforded each man about two ounces of food per day for a week. Afterwards they lived eight or nine days on the tops of tea tree, which they boiled in tin pots to extract the juice. Having ascended a hill in sight of Macquarie Harbour, they struck

a light and made two fires, Cornelius, Brown, and Dalton placed themselves at one fire, the rest of the party at the other; those three separated privately from the party, on account of Greenhill having already said that lots must be cast for some one to be put to death, to save the whole from perishing. Pearce does not know personally what become of Cornelius, Brown, and Dalton; he heard that Cornelius and Brown had reached Macquarie Harbour, where they soon died, and that Dalton perished on his return to that settlement. After their departure, the party, then consisting of five men, lived two or three days on wild berries, and their kangaroo jackets, which they roasted. At length they arrived at Gordon's River, where it was agreed that while Matthews and Pearce collected fire wood, Greenhill and Jones should kill Bodnam, which they accordingly did. It was insisted upon that every one should partake of Bodnam's remains, lest, in the event of their ultimate success in obtaining their liberty, any of them might consider himself innocent of his death, and give evidence against the rest. After a day or two they all swam across the river except Travers, whom they dragged across by means of a pole, to which he tied himself. Having spent some days in distress and famine, it was proposed to Pearce by Greenhill and Travers, that Matthews should be killed, to which he agreed. Travers and Pearce held him while Greenhill killed him with an axe. Living on the remains of the deceased, which they were hardly able to taste, they spent three or four days through weakness, without advancing beyond five or six miles, Travers being scarcely able to move from lameness and swelling of his feet. Greenhill and Pearce agreed to kill Travers, which Greenhill did while Pearce collected fire-wood. Having lived some time on the remains of Travers, they were for some days without anything to eat, their wants were dreadful, each strove to catch the other off his guard and kill him, Pearce succeeded in finding Greenhill asleep—took his life, and lived on him for four days. He was afterwards for three days without any sustenance, fell in at last with the Derwent River, and found some small pieces of opossums, &c., at a place where the natives had lately made fires. More desirous to die than to live, he called out as loudly as he could, expecting the natives would hear him, and come and put an end to his existence. Having fallen in with some bushrangers, with whom he was taken, Pearce was sent back to Macquarie Harbour, from whence he escaped with Cox, as has been already stated, for whose death he is now about to suffer."—*Hobart Town Gazette*.

G, (Page 213.)

" About dusk, Brady, Bird, Dunn, Murphy, and four others, made their appearance at the house of Mr. Robert Bethune, at Pitt-water. They made himself, his overseer, and all his servants prisoners, and took possession of his house and premises—remained there the whole of the night and the next day, on the evening of which, about eight o'clock, Mr. Walter Bethune and Mr. Bunster arrived there on horseback. The weather was extremely rainy. On their arrival at the door, a man presented himself, who called out, as if to servants, to take Mr. Bethune's horse, and who turned out to be Brady. These gentlemen were, however, treated with the utmost civility. Dinner was provided for them, and every attention paid them. About ten o'clock, Brady announced to them his intention of proceeding to liberate the prisoners in the gaol at Sorrell Town, and accordingly tying the Messrs. Bethune together, and all their captives, eighteen in number, two by two, they were forced to accompany them to that town, where they arrived just as Mr. Gunn's party of soldiers were cleaning their firelocks, having been out the whole of the day in pursuit of the very men, who now taking them by surprise seized all their arms, and locked them into a cell of the gaol. At this moment Mr. Long, the gaoler escaped from his residence immediately adjoining, and ran to Mr. Gunn at Dr. Garrett's, to communicate the intelligence. Mr. Gunn immediately took up his double-barrelled piece, and was proceeding towards the gaol, when he was met by two of the banditti. He raised his gun, but at that moment received the entire contents of one of theirs' in his right arm, which tore it to pieces, above the elbow. Several shots were fired at this moment, one of which grazed Dr. Garrett, and another slightly wounded Mr. Gunn in the breast; Mr. Glover had a little before gone to the gaol, armed with a double-barrelled gun, and was captured, his gun taken from him, and broken to pieces, and himself confined with the other gentlemen who had fallen into their hands. Nothing more of them is accurately known, the prisoners did not quit the gaol, but remained there quietly! On the bushrangers departing they put up a stick with a great coat and hat upon it, to imitate a sentinel at the gaol door, in order to gain as much time as possible—they were perfectly open and unreserved in their communications.

In answer to the inquiries from Mr. Bethune, as to how they crossed the river, they stated that they had a boat of their own with six oars, with which they could cross at any time."

H, (Page 245.)

The local Government was endeavouring to enforce what the colonists considered an obnoxious dog tax—a newspaper editor, named Morgan, opposed the payment, in order to have the question finally decided, whether the taxation was legal or otherwise. He was fined by the Government magistrate, and, on his refusal to pay a distraint issued, a levy was made and goods sold in order to raise the amount of the fine and costs. Mr. Morgan commenced proceedings against the magistrate nominally, but virtually against the Government for an illegal distraint, and the issue required the decision of the judges as to whether the act in question was legal or otherwise, all depended upon the reading of one of the clauses in the Huskisson charter of 1828. The colonial enactment enforced a tax, and the charter set forth that no taxing bill should be allowed unless the funds raised were applied to local purposes. Now instead of the Dog Act appropriating the funds in the manner set forth, the proceeds on the contrary, according to the Act of Council, were to be handed over to the general revenue for the purpose of paying salaries, &c. The question was not of much importance as regarded the dogs; but there were other very obnoxious colonial laws, the legality of which entirely depended upon the fact, whether or not the "colonial dogs" had been legally taxed by the Government. Among the number was the "differential duties," under which large sums of money had been drawn from the pockets of the colonists to be put into the pockets of the Government officers, whose time and labours were devoted to prison discipline. About the same period certain private individuals were complaining that they could not obtain payment of the just debts, owing to them by the puisne Judge, Algernon Montague. To bring an action against a Judge for damages or for anything else in his own court, would be somewhat ridiculous, if it were expected the cause was ever to come on for hearing; but there were two Judges, and the question was, as both were not included in the debt, whether or not an action would lie against one

individually. Mr. Montague being hard pressed by one of his creditors, said that he would plead exemption by virtue of the office he held, and his doing so would at once terminate the proceedings, because in the event of the question coming before the court in banco, the two judges would probably differ, and if they did, Mr. Montague deciding one way, and the chief justice the other, the case would be hung up—there being no third judge in the island, nor any other authority to whom appeal might be made—not even to the Judicial Council, because were an application made to appeal, it would as a matter of certainty be refused by the judges, or by one of them, which would amount to the same thing. The conduct of Mr. Montague was brought before the Executive Council, and it was generally understood that he cleared himself of the charges, and that the Governor made an indorsement to that effect on certain papers which were afterwards very mysteriously *lost* from the Colonial Secretary's office. In the meantime the dogs came before the court for consideration, and Mr. Montague at once decided that the colonial law was illegal; and after some little delay, the chief justice arrived at a similar conclusion. The consequences was, that the merchants immediately commenced proceedings against the collector to recover back the duties that had been levied under the Differential Duty Act. It was not very convenient for the local Government to disburse what had been taken from the colonists, so the Executive called upon the judges to revise the decision respecting the "colonial dogs." At this, their honours felt most indignant, and refused to admit the right of the Executive Government to interfere in the administration of justice. This refusal threw quite a new light upon the behaviour of the puisne judge, as regarded his conduct toward his creditors, and he was dismissed forthwith, under the pretext that he shielded himself from paying his just debts by pleading or threatening to plead his exemption as judge. No sooner was Mr. Montague placed aside, than the Attorney-General was appointed in his stead, and then it was expected that the opinion of the chief justice might waver as regarded the legality of taxing the "colonial dogs." The chief justice Mr. Pedder, however, still persisted: and the Governor, although he thought he had a right to turn one judge out of office, if his conduct did not please him, could not take upon himself to appoint a third, by which means, had he had the power, he would of course have overruled the objections of the chief justice by two to one—for the new judge appointed,

and any other judge he might appoint, would naturally be of opinion that the Dog Act and every other act of the Government, and any act that might hereafter be passed, would be perfectly legal should the Government be so desirous. Having, however, removed or "amoved" Mr. Montague, and placed in his stead a reasonable judge, the next thing was to dispose of the chief justice. Now Mr. Pedder, in whatever manner he may have conducted himself in the administration of the law, happened in his private character to be "*sans reproche*," and as he paid his debts regularly there was no handle to be laid hold of in that direction, therefore the Governor and the Executive Council actually caused a letter to be written to the chief justice, calling upon him to ask leave of absence or to resign, as, in the decision of the "colonial dogs," he had obstructed the administration of Her Majesty's colonial Government. Mr. Pedder refused to do either, and the Governor, when the matter was discussed in council, considered it prudent not to dismiss his honour, but to call the Legislative Council together, and pass what was called the Doubts Bill, which enactment confirmed every thing that had been done, rendering all legal, and removing *every doubt*. The council being formed of Government officers, and gentlemen appointed by the Governor, passed the bill. Any comment on the proceeding is unnecessary; but even in spite of all the doubt bills of Van Diemen's Land, it seems the legal difficulty could not be removed unless by express consent of Parliament. The local Government not having power to destroy a British enactment. Therefore, in the Australian Bill an express repeal is inserted, the which clause very few persons in England could comprehend the meaning of, when the bill was passed.

XXVI. *Removing doubts as to certain taxes imposed by Governor and Council of Van Diemen's Land.*—And be it enacted, that so much of the said Act of the ninth year of the reign of King George the Fourth as requires that the purposes for which every such tax or duty as therein mentioned may be imposed, and to or towards which the amount thereof is to be appropriated and applied, shall be distinctly and plainly stated in the body of every law or ordinance imposing every such tax or duty, shall be repealed; and no such law or ordinance made or to be made by the Governor and Council of Van Diemen's Land, and enrolled and recorded in the Supreme Court of the said colony, shall be or deemed to have been invalid by reason of such purposes not being so stated in the body of such law or ordinance.

I, (Page 273.)

The proprietor of the most extensive printing establishment in the colony, in consequence of an article which appeared in one of his newspapers, had a warrant issued against his person, without his having been made acquainted that he had committed any offence, or that proceedings were being adopted. He was taken into custody by the Sheriff, and brought before the two Judges of the island, by whom he was then required to swear that he would, on a certain day, answer three interrogatories that were to be drawn out by the Attorney-General, and unless he did so he was to be removed to gaol, and there remain till he complied with the order of the Judges. On his tendering bail, they were bound to swear that the prisoner should be produced before the court on the day named, and they further were compelled to swear that the prisoner should answer the interrogatories—the first of which was, whether the accused was the printer and publisher of the newspaper, and it was to discover this fact that the attachment really issued. The last interrogatory had, however, no connection whatever with the attachment, for it was to discover who was the writer of the article considered to be obnoxious. It was, in effect, calling upon the accused to criminate himself, that he might be punished. The master of the court would not receive any protest,—the rule of the court was, that he should take the answers, which the prisoner and his bail had *sworn should be given* to the interrogatories. The protest was therefore necessarily conjoined with the return. Thus, “In answer to this interrogatory, I declare—protesting against being called upon, to answer whether I wrote or composed the article referred to, because the attachment was issued against me for printing and publishing only, and I protest against being called upon to criminate myself, and of an offence for which the attachment did not issue: but as I have been compelled to enter into a recognizance with sureties, not only for my appearance before the master, to answer, but also that I should answer the interrogatories to be exhibited against me; and therefore, to secure that recognizance, but protesting against the legality of the measure, I do declare, that the article in the said newspaper, of the third day of November, now shown to me, and in the whole, occupying parts of the first, the whole of the second, third, and fourth columns, of page numbered 348, and the whole of the first and second columns of page 349, (except the space occupied by

the note at the bottom of the second column,) which article commences with the words, ' Mr. Bryan's Prosecution,' and terminates with the words, ' Nay, for a glass of rum,' was in fact written and composed by me."

The article complained of in the newspaper, attributed illegal conduct to John Lewis Pedder, the Chief Justice, in having, as Judge, when at Launceston, sentenced two men to die for the crime of cattle stealing; when capital punishment was contrary to the laws of England; nor was the charge of cattle stealing even clearly substantiated; the true object of the trial was entirely of a political nature, and there was a desire on the part of some of the authorities, that one of the prisoners should be sentenced to death. Both men were left for execution. The article in the Hobarton newspaper in question, saved their lives—although it caused the imprisonment of the writer, and in consequence of subsequent legal proceedings he was ultimately ruined.

The two Judges having heard the interrogatories and the replies that were given, the Chief Justice himself delivered judgment on the prisoner at the bar, for that which was, in his opinion, a libel upon himself; the sentence was twelve months' imprisonment, then to find sureties for good behaviour for two years, two of £.150 each, and the prisoner himself in £.200, and he was to remain in gaol till the fine was paid, and the sureties were entered into. Thereupon the prisoner was delivered into the custody of the Sheriff, who lodged him according to the sentence, in the gaol appropriated to the doubly-convicted felons of Great Britain, and with these wretches was he confined, being at night locked up for security in one of the condemned cells. The prisoner complained of his treatment,—the magistrates dared not interfere, the Judges would not,—neither was there any means of obtaining a *habeas corpus* but through the very men who sent him to the receptacle for crown convicts.

The prisoner had not been in gaol many days before the news arrived, that a case nearly similar to his own, though not equally aggravated, had occurred in Newfoundland, and had caused considerable discussion in the House of Commons, where the conduct of the Judge had met with the strongest reprobation. Means were taken to bring the opinion of Her Majesty's ministers on the subject before the consideration of the Governor and the Judges,—in addition to respectful private communications forwarded to them, the newspapers in the colony published the decision delivered in the House, but not the

least notice was taken by the authorities. The Governor himself was perfectly aware of all the proceedings, and visited the gaol several times and ordered certain alterations to be made, by which light could be admitted into the cell of the prisoner.

After he had been in durance some considerable time, it becoming known to the Governor and the Judges that the sufferer was about forwarding a petition to the House of Commons, it then, for the first time, became apparent to all of them, that the court had acted illegally, and it was thought expedient to remove him from the prison; he was at first told that the Governor would pardon him if he would forward a petition, setting forth that his printing establishment was under the management of inexperienced clerks, and that his convict servants were not under proper control. Then it was intimated to him that if his wife would only write a letter stating that her health was suffering in consequence of her close attendance on her husband, he should be released; but fully convinced that he was illegally placed in gaol, he left it with those who had confined him, to release him whenever they might think it prudent so to do. Week after week passed, and a few hours before the sailing of the vessel for England, on board of which was the complainant's petition to the Commons, the aggrieved person, without being called upon to pay any fine, or offer any sureties, as he was bound to do according to the sentence passed, was, after suffering most severely in health, suddenly turned out of the felons' gaol. When the complaint came before the Commons, Sir George Grey said that he had been instructed, that as soon as the Lieutenant-Governor of Van Diemen's Land had heard of certain observations that had passed in the Commons, he immediately released the individual*. Who in England could rebut this assertion?

* " Sir George Grey said that Her Majesty's Government last year, after consulting the law officers of the Crown, had expressed their decided disapprobation of the practice, in reference to a similar case that occurred in Newfoundland. The statement which he (Sir George Grey) made on that occasion, in the House, having reached Van Diemen's Land, the Governor immediately remitted the sentence, and before a memorial reached the Colonial Office, they had received the Governor's despatches, announcing the remission of his sentence. *With regard to the interrogatories put, the practice was an unusual one in this country, and the Government here was not prepared to countenance it.*"——*Times' Report of Commons, June 29, 1836.*

—time was gained ; and succeeding changes in the administration obstructed the course of justice, for before Sir George Grey was made acquainted with the truth, there was a change of ministry. The aggrieved petitioned Her Majesty for compensation for the injury he had sustained, and his petition was " received very graciously," and the Governor of the colony was called upon to report fully on the subject, —it did not however please His Excellency to attend to Her Majesty's command. The complainant then, at very considerable expense, brought his case before the Judicial Council, and the substance of the decision was, that the Home Government could not be answerable for the conduct of the Judges, but that they themselves must be personally responsible. Redress was obtainable by an action for damages, but the individual who was supposed to be libelled, who was judge and jury in his own cause, the very man who passed the sentence, John Lewis Pedder, is at this time Chief Justice of the colony* ! Was the complainant to bring an action in the colony, and supposing it could be laid, was he to take it for trial before the very Judge that had wronged him ? He finally sought his legal remedy in England, intending to bring an action against the Chief Justice for false imprisonment, but he was there informed that there was no power in any of the courts to compel the production of the Records of Van Diemen's Land, without which the case could not be substantiated.

K, (Page 290.)

A young lieutenant, stationed in the Isle of France, married an upper servant of the Governor's (General Colville) family; by some influence or other, this lieutenant was appointed Surveyor-General of Van Diemen's Land. Whilst in the height of power, a young man, named Mason, brother to the wife of the Lieutenant, came out to the colony to seek his fortune. Mason had been brought up as a shop-

* The second Judge was Algernon Montague, who was afterwards dismissed from office by the present Governor, see Montague's case in Appendix, H. As a subscription was raised, in order to pay the passage of himself and family to England, it would have been worse than folly to have taken legal proceedings against him on his arrival.

boy, in a mercantile house in the Old Jewry, London. Inexperienced as he was in law, and totally unqualified to sit and judge the actions of his superiors in age and education, he was, to the surprise of the inhabitants, appointed to the situation of Assistant Police Magistrate of Hobarton. Whilst so acting, the celebrated case of Greenwood occurred; the facts are simply these:—Greenwood, a runaway, was apprehended on the New Town race course; but, before this could be accomplished, he had, in self defence, cut and maimed a convict constable. Greenwood was brought to the Police Office, and placed before two magistrates, both of whom sentenced him to receive a hundred lashes; and, one of them, Mason, addressed the prisoner in nearly these words, "You will first receive a hundred lashes, then be handed over to the Supreme Court, where you will be found guilty, and, I have no doubt, be hung." The man, shortly after, stood his trial in the Supreme Court, and was found guilty of intent to maim the prosecutor—to do him some bodily and grievous harm. A petition was addressed to the Lieutenant-Governor, praying that, under all circumstances, this man's life might be saved; and the Sheriff strongly protested against the execution, which, however, took place shortly after his trial, when the man's back had not healed from the effect of the lash. This transaction did not end here. Orders from home were received to investigate the conduct of the parties concerned; exculpatory affidavits were returned to the Secretary of State, denying having made use of the words said to have been uttered. The fact of having uttered the expression to Greenwood, in the first instance, was looked upon as cruel and improper; and Mason, having done so, it was attributed to his inexperience; but the fact of his denying having so expressed himself, had the effect of prejudicing many against him who would otherwise have forgiven the indiscretion. Some of the magistrates of the colony desired investigation on the spot; this being for a time refused, several of that, then respectable body of colonists, consequently, refused to sit with him on the bench: one of the number openly accused Mason of wilful perjury, and the press reiterated the accusation: still was he retained in office. Things arrived to that extreme, that the Governor was at last actually compelled to remove the offender from the office, and he was ordered to institute proceedings in the Supreme Court, to clear his character. He did so, and a jury found him morally guilty of wilful perjury; still the hand of despotism supported him, and, in spite of everything the colonists could do, he was appointed to the New Norfolk Police

Magistracy, one of the most important districts in the island. Ever since that period, the honours of the magistracy have been looked upon most contemptuously by the respectable inhabitants, who refuse to be placed in the commission. As to New Norfolk, where this unpopular individual was appointed to reside, when he arrived there, it was one of the most thriving townships in the island, and its environs thronged with influential persons: now few people of any respectability are to be found in the neighbourhood, and the township is, as already described, a deserted village.

L, (Page 333.)

" The emigration of large capitalists is out of the question—not so the possessor of a few hundreds. The latter, finding little prospect in the mother country by which his trifling capital may support himself and his offspring, is recommended to turn his attention to distant colonies. Suppose the man about to emigrate possesses £500, he has read of the wealth produced by industry and capital in the colonies; he is told five shillings an acre will purchase land. Five shillings an acre he exclaims with astonishment, and he thinks then of the value of space in London, where it is worth thousands. With false delusion, he pictures to himself what a *gift* land *must be* at such a price. He has been accustomed to envy the possessor of the fields of Hackney or Clapham, and five shillings an acre rings in his ears, and he at once imagines his fortune made. With most flattering expectations does he pay one or two hundred pounds for the passage of himself and family; and after incurring a tedious voyage, he arrives with perhaps £350 in gold. He lands—which way is he to turn? Perhaps he may be a stranger to every human being in the colony! After sauntering about the town he finds himself at an inn where he settles and remains inactive for a week or two, not knowing which way to proceed to obtain the fields and the pleasure grounds at five shillings per acre! Roused from his lethargy by the rapid diminution of his funds, he proceeds into the interior to examine the *dorado* of his imagination; he visits the farms of the old settlers, and they appear to him most desirable—he then inquires of them where there is land unlocated on which he may fix? The settlers tell him there is none in their neighbourhood, that he must proceed twenty or thirty

miles further into the wild bush, before any can be had. Perhaps, however, the new emigrant has learnt that portions in a settled district are not all taken, whereon he proceeds to search for such. Find it wherever he will, and his *dorado* dreams are at an end—the land will be either so heavily timbered, or rocky, that it will almost overcome the stoutest heart. But let us suppose him to surmount all these difficulties, and to be fortunate in selecting land not reserved for any Government or private purposes. He returns to town, communicates with the Surveyor General, and demands that so much shall be put up for sale. The due forms having been attended to—which forms require some considerable delay—the land is ordered to be measured by the surveyor of the district, and then the land is gazetted as for sale. According to the Government order, none can be sold without advertising the same for three months; so that what with the delay before seeking for the land—before the district surveyor may please to measure the same, and before the expired time for publishing the sale—the very least all these take is twelve months—and on what has the new comer and his family been subsisting?—on the capital. Supposing he attends the auction, if he has selected land adjoining a settler, the latter will be there also, and run up the price against him, so that the nominal value of his own estate may be increased. The amount of the purchase, therefore, soon exceeds the money of the new emigrant, and he returns to his inn with the worst of prospects. If, however, he has selected land distant from any settler, he will be allowed to purchase the same at the minimum price, without opposition; but can he cultivate or stock the purchased land? No! the whole of his capital is sunk, and uselessly so; and the man becomes a beggar in a strange country. One would imagine that the Home Government considered that land was of itself of intrinsic value; but this is not the case—it is the population and the improvements which make it valuable. An estate within two miles of Hobart Town is now offered for sale, consisting of 2560 acres, and the sum of £500 is alone demanded; whilst on the very spot on which this work is published, a piece of ground of some thirty feet frontage, and some sixty feet in depth, is worth a couple of thousands. The Home Government, when the order for selling land was issued, must have imagined that the space itself was of intrinsic value, and the Home Authorities must have been misled, as many settlers have been, by considering that this country resembled the environs of a crowded capital. The Home Rulers little imagined that the average cost of

clearing amounts to upwards of £.6 the acre. True, in some spots the plough may turn up the soil without one farthing having been expended thereon, whilst others have cost from £.10 to £.20 per acre, in the grubbing and burning off the thickets, with which the greater part of the best soils are covered."—*Administration of the Government, by Colonel Arthur, Van Diemen's Land, 1836.*

M, (Page 341.)

" Hobart Town, March 22nd, 1850.

" SIR,—In compliance with the Lieutenant-Governor's instructions, conveyed to me in your letter of the 13th instant, I have the honour to report that, up to the end of last month, the works completed by the surveying parties on the Derwent and Huon rivers open the communications from the settled districts by way of Marlborough to King William's Plains, the Guelph Plains, and the Vale of Gordon, and by Victoria on the Huon River through the forests bordering that river to the Arthur Plains and Lakes Pedder and Edgar.

" The extent of pasture country hitherto entirely cut off by the barrier of mountain and forest, and now by these roads laid open for occupation, may be described as follows:—

King William's Plains, estimated at ..	40,000	acres
Guelph's Plains	20,000	"
Vale of Gordon.....	120,000	"
Pedder and Huon Plains	12,000	"
Arthur Plains	80,000	"
Forest openings	8,000	"

Total acres.... 280,000

" The rough herbage upon these plains has been burnt for the encouragement of the grasses which are found to take its place; and in some parts, especially near lakes Pedder and Edgar, and in the Gordon Valley, the pasture is rich and luxuriant. The plains to the westward of the Arthur Plains, which are of great extent,—Those near Port Davey, Bathurst Plains, Painter's Plains, those on the Franklin, near the foot of the Frenchman's Cap, and the valleys of the Denison and the Picton Rivers, I have seen only from the mountain peaks, and

can make as yet no particular report on them, nor estimate their extent; but from these means of observation I judge that an extent equal, probably, to half the total area of this quarter of the island (one hundred miles in length by forty in breadth), or one million acres of land, is fit for almost immediate occupation for flocks: and *at the present moment flockowners from various parts of the island are visiting the country preparatory to applying for leases.* The tract contains a full proportion of fertile country fit for agricultural purposes, and never failing rivers; its geological structure bespeaks the existence of metals,—and I think the banks of the Gordon, from its esrupt bend westward to the salt-water level, peculiarly deserving of examination.

“ The work done up to the present time is as follows, viz.—

“ 1. The road from Marlborough to the northern part of King William's Plains has been widened and improved, and made passable for carts throughout. About twenty-four miles in extent.

“ 2. A new road, branching from the above, passing between Mount Charles and the Wentworth Hills to the Derwent River (ten miles) has been completed for carts. A log-bridge has been built over the Derwent, bringing the road on to the southern part of King William's Plains: and the road is extended southward, passing the Navarre by a good ford, to the Guelph River, a distance of six miles; and a foot track from thence to the head of the Gordon has been marked out.

“ 3. The survey of the Franklin River at the foot of Mount Hugel has lately been commenced. It forms the boundary of the pasturage allotments of King William's Plains.

“ 4. From the Navarre, a line six miles in length has been marked out and measured in a southerly direction, as a line of reference for the survey of the Guelph Plains, and to be continued north and south for those of King William's Plains and the Vale of Gordon.

“ 5. Trigonometrical stations to govern these surveys have been established on three points of King William's Mount, on Mount Hobhouse, and on Wyld's Crag.

“ 6. The Guelph Plains, to the extent of about twenty thousand acres, have been laid out in three allotments, divided by the branches of the Guelph, and bounded by the Derwent, Mount Hobhouse, King William's Mount, and the Navarre River.

“ 7. A bridle road is completed from Victoria, on the Huon, to the Arthur Plains, through a very intricate forest country, about fifty

miles in length, of which a chain and compass survey of twenty-five miles has been effected. This road, besides passing many small streams over which bridges are constructed, crosses the Arve, the Picton, and the Cracroft, all very considerable rivers. The Arve is crossed by a falling tree formed into a bridge,—the Picton, when low, by the same means, and when flooded, by a boat; the Cracroft as yet is only passable when moderately low by a good ford.

“ The work of penetrating into these fine tracts of open country, through the strong natural barriers which have hitherto caused them to be absolutely a *terra incognita*, and examining them as far as I have described above, has been no small labour, and has occupied more time than I anticipated; and as no survey operations could be undertaken until the means of transit for provisions were established, the subdivision of the tracts has been much delayed; but there are now five surveyors employed upon it, and it may be expected to proceed rapidly while the season admits of field operations.—I have the honour to be, Sir, your most obedient Servant,

“ H. C. COTTON,
“ *Deputy Surveyor-General.*”

“ *The Surveyor-General,*
“ &c. &c.”

THE END.

LONDON

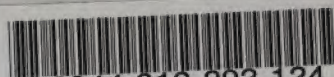
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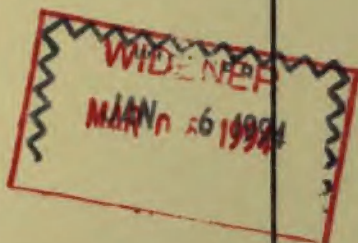
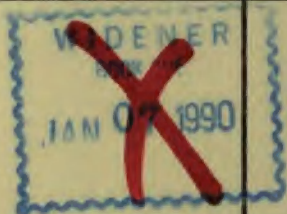
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the 1990s, the number of people in the world who are undernourished has increased from 600 million to 800 million. The number of people who are malnourished has increased from 1.2 billion to 1.5 billion. The number of people who are obese has increased from 100 million to 300 million.

The World Bank has estimated that the number of people who are undernourished in the world will increase from 800 million in 1990 to 1.2 billion in 2020. The number of people who are malnourished will increase from 1.5 billion in 1990 to 2.2 billion in 2020. The number of people who are obese will increase from 300 million in 1990 to 600 million in 2020.

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